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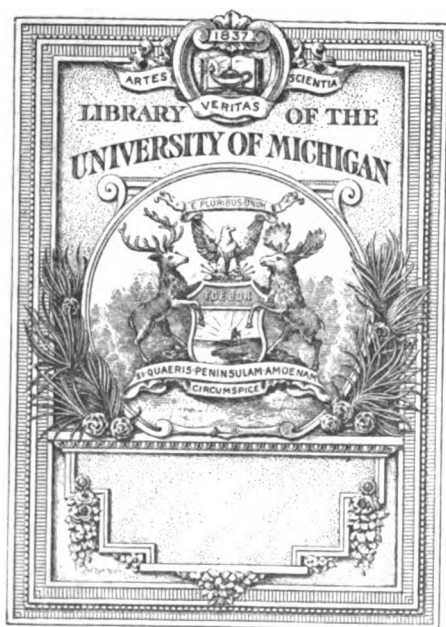
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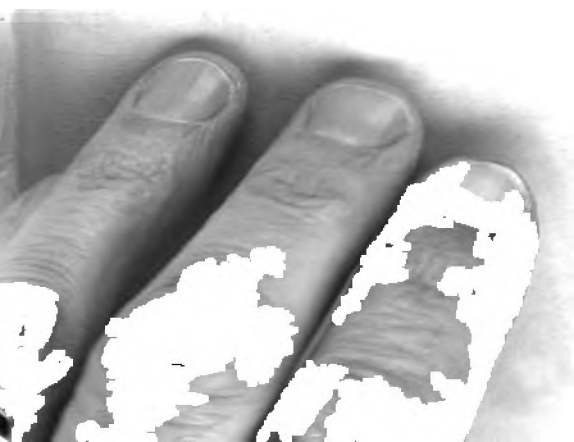
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BRITISH AND FOREIGN STATE PAPERS.

1896—1897.

VOL. LXXXIX.

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BRITISH AND FOREIGN

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SPEECH of the Queen, on the Opening of the British Parliament.—Westminster, January 19, 1897.

My Lords and Gentlemen,

My relations with all the other Powers continue to be of a friendly character.

The appalling massacres which have taken place in Constantinople and in other parts of the Ottoman dominions have called for the special attention of the Powers who were Signatories to the Treaty of Paris. Papers will be laid before you showing the considerations which have induced the Powers to make the present condition of the Ottoman Empire the subject of special consultation by the Representatives at Constantinople. The Conferences which the Six Ambassadors have been instructed to hold are still proceeding.

The action undertaken by His Highness the Khedive of Egypt against the Khalifa, with my approval and assistance, has so far been entirely successful. His forces, supported by my officers and troops, have won back the fertile Province of Dongola to civilization by operations conducted with remarkable skill, and the way has been opened for a further advance whenever such a step shall be judged to be desirable.

My Government have discussed with the United States, acting as the friend of Venezuela, the terms under which the pending questions of disputed frontier between that Republic and my Colony of British Guiana may be equitably submitted to arbitration. An arrangement has been arrived at with that Government which will, I trust, effect the adjustment of existing controversies without exposing to risk the interests of any colonists who have established rights in the disputed territory.

It is with much gratification that I have concluded a Treaty for General Arbitration with the President of the United States, by which I trust that all differences that may arise between us will be

peacefully adjusted. I hope that this arrangement may have a further value in commending to other Powers the consideration of a principle by which the danger of war may be notably abated.

The rebellion in Matabeleland and Mashonaland has been repressed by the steadfastness and courage of the settlers, reinforced by my troops and by volunteers, both of English and Dutch race, from other parts of South Africa. I deplore the loss of valuable lives which these operations have entailed.

The depressed condition of the sugar industry in my West Indian Colonies has seriously affected their prosperity, and I have appointed a Commission to investigate its causes, and, if possible, to suggest means for its amelioration.

It is with much regret and with feelings of the deepest sympathy that I have heard that, owing to the failure of the autumn rains, scarcity and famine affect a large portion of my dominions in India. My Government in that country are making every effort to mitigate suffering and to lessen the calamity. The development of railways and irrigation works, and the forethought given through a long series of years to the preparation of the most effective arrangements for alleviating distress caused by famine, make their task more hopeful than in previous visitations. My people throughout my dominions at home and in India have been invited to second with their liberality the exertions of my Government. Papers showing the extent of the famine, and the measures taken to relieve suffering will be laid before you.

Plague has also made its appearance in the seaport towns of Bombay and Kurrachee, and, notwithstanding the precautions adopted by the local authorities, shows no signs of decrease. I have directed my Government to take the most stringent measures at their disposal for the eradication of the pestilence.

Gentlemen of the House of Commons,

The Estimates for the year will be laid before you. While desirous of guarding against undue expenditure, I have felt that the present condition of the world will not permit you to depart from the spirit of prudent foresight in which you have during recent years provided for the defence of my Empire.

My Lords and Gentlemen,

A measure for the promotion of primary education, by securing the maintenance of voluntary schools, will be laid before you. If time permits, you will be invited to consider further proposals for educational legislation.

It is desirable to make better provision for the compensation of workpeople who suffer from accidents in the course of their employ-

ment, and a Bill, having that object in view, will be submitted to you.

Your consent will be asked to provisions which, in the judgment of the military authorities, are required for adding to the efficiency of the military defences of the Empire.

A Bill will be submitted to you to improve the arrangements for water supply in this metropolis.

In order to promote the interests of agriculture, which are of paramount importance in Ireland, you will be asked to consider a Bill for the establishment of a Board of Agriculture in that country.

Further legislative proposals will be brought before you, if the time at your disposal suffices for the purpose.

Bills for admitting the evidence of accused persons, for amending the law with respect to bills of sale and the registration of land, for revising the Acts with respect to the formation and administration of limited Companies, for the amendment of the Agricultural Holdings Act in Great Britain, for the exclusion of the goods manufactured in the prisons of other countries, for the establishment of reformatories for inebriates, and for amending the existing procedure with respect to private Bills coming from Scotland and Ireland, have been prepared, and, if opportunity for considering them should be found, will be laid before you.

I heartily commend your important deliberations to the guidance of Almighty God.

SPEECH of the Queen, on the Closing of the British Parliament.—Westminster, August 6, 1897.

My Lords and Gentlemen,

AT the close of a Session during which there has been disturbance and conflict in Europe, I am glad to be able to inform you that the cordiality of my relations with foreign Powers remains unchanged.

The united influence of the Six Powers, Signatories to the Treaty of Paris, was earnestly exerted early in the year to dissuade the King of Greece from the war upon which he unhappily desired to enter. Though they failed in this endeavour, they were able to bring about an early suspension of hostilities between the two belligerents, and to open negotiations for peace. These proceedings have been protracted, and a formal Treaty has not yet been signed. But there is good ground for believing that all the more important

matters in controversy have been adjusted, and that, in return for an adequate indemnity, the territory conquered by Turkey will, with a slight modification of frontier, be restored to Greece.

I have given notice to the King of the Belgians and the German Emperor to terminate the Treaties of Commerce of 1862 and 1865, by which I am prevented from making with my Colonies such fiscal arrangements within my Empire as seem to me expedient.

In consequence of the infraction by the Chinese Government of certain stipulations of the Convention of 1894, a fresh Convention has been concluded, establishing a frontier between Burmah and China more advantageous to my Empire, and opening the West River in China to European commerce.

I have concluded a Treaty of Commerce and Friendship with Menelek, the Emperor of Abyssinia.

The presence of the Representatives of the Colonies and of the Indian Empire at the ceremonies held in celebration of the sixtieth year of my reign has contributed to strengthen the bond of union between all parts of my Empire, and an additional proof of the attachment of the Colonies to the mother-country has been furnished by the fiscal legislation of Canada, and by the contribution which the Cape Colony, following the example of Australasia, has offered to our naval defence.

The famine which, to my profound grief, has prevailed throughout large portions of my Indian dominions since the autumn of last year has taxed severely the resources of that country. I gladly acknowledge the energy and self-sacrifice of my officers of all ranks, both Europeans and natives, and of many private persons, who, with untiring zeal, and with an anxious desire to avoid offence to native feeling, have laboured to save life and to relieve suffering. An appeal to the sympathy of my subjects in all parts of my Empire has been responded to in a most generous manner; and I rejoice to learn that, owing to a satisfactory rainfall, there is now every prospect that the area of distress will be very greatly diminished.

The plague, which caused a large number of deaths in certain districts in India during the earlier part of the year, has now almost disappeared. This improvement is mainly due to the energetic and judicious steps which were taken by the Local Governments to prevent it from spreading. Every precaution will be adopted in view of the possibility of its recurrence, but at present there is a steady decrease both in its prevalence and in its fatal effects.

Gentlemen of the House of Commons,

I am grateful to you for the liberal provision to which you have assented for increasing the maritime forces of my Empire.

My Lords and Gentlemen,

It has given me great pleasure to sanction the arrangements you have made for enlarging the important harbours of Dover and Gibraltar, and for strengthening the military defences of the Empire. I anticipate that the facilities you have given for the practice of military manœuvres will conduce to the greater efficiency of the army. The assistance which your legislation has given to the support of necessitous schools will secure an adequate provision for education in the localities where it is most required, and will, I trust, close for some time a difficult and anxious controversy. The measure which you have passed for the compensation of workmen who are injured by accidents in the course of their employment will confer great benefits on a large section of the population.

I recognize with satisfaction the steps you have taken to facilitate the transfer of land, to protect the interests of the consumers of water in the metropolis, to relieve distress in the congested districts of Scotland, and to reform the law of public health in that country.

I am rejoiced that you have been able to provide a more efficient and economical system for the judicial institutions of Ireland.

I pray that the fruit of your labours may be assured by the protection and blessing of Almighty God.

COMMERCIAL AGREEMENT between the United Kingdom of Great Britain and Ireland and the Principality of Bulgaria.—Signed at Vienna, July 17, 1897.

THE Undersigned, Francis Edmund Hugh Elliot, Esq., Her Britannic Majesty's Agent and Consul-General in Bulgaria, and his Excellency Dr. C. Stoiloff, President of the Council and Minister for Foreign Affairs and Public Worship of His Royal Highness the Prince of Bulgaria, Grand Cross of the Princely Order of St. Alexander in Brilliants, Grand Cordon of the Orders of the Osmanieh and Medjidieh in Brilliants, &c., duly

LES Soussignés, Mr. Francis Edmund Hugh Elliot, Agent et Consul-Général de Sa Majesté Britannique en Bulgarie, et son Excellence M. le Docteur C. Stoiloff, Président du Conseil et Ministre des Affaires Étrangères et des Cultes de Son Altesse Royale le Prince de Bulgarie, Grand-Croix de l'Ordre Princier de Saint-Alexandre en brillants, Grand-Cordon des Ordres de l'Osmanié et du Medjidié en brillants, &c., dûment autorisés

authorized by their respective Governments, have agreed as follows :—

ART. I. British subjects in Bulgaria, and Bulgarians in the United Kingdom of Great Britain and Ireland, shall respectively enjoy, immediately and unconditionally, in all matters relating to navigation, industry, and commerce, including importation and exportation, as well as transit, the same rights, privileges, liberties, facilities, immunities, and exemptions as are enjoyed, or may hereafter be enjoyed, by natives or by subjects of any other foreign State, without payment of any impost, tax, customs duty, or other due, charge, or expense, other or higher than those to which the latter are liable; further, no customs duties or other dues or charges shall be levied at any one frontier different from or higher than those which are levied at any other frontier on similar articles. British subjects in Bulgaria, and Bulgarians in the United Kingdom of Great Britain and Ireland, shall enjoy perfect equality of treatment with natives and the subjects of every other foreign State in all matters relating to bonding, bounties, drawbacks, facilities, patents for inventions, trade-marks, distinctive marks of manufacture or of origin, patterns, and designs.

II. No prohibition or restriction shall be maintained or

par leurs Gouvernements respectifs, sont convenus de ce qui suit :—

ART. I. Les sujets Britanniques en Bulgarie, et les Bulgares dans le Royaume-Uni de la Grande-Bretagne et d'Irlande, jouiront respectivement, immédiatement et sans conditions, en toute matière de navigation, d'industrie, et de commerce, tant pour l'importation et l'exportation que pour le transit, des mêmes droits, privilèges, libertés, facilités, immunités, et franchises dont jouissent, ou pourraient jouir à l'avenir, les nationaux ou les sujets de tout autre État étranger, sans payer aucun impôt, taxe, droit de douane, ou frais, autre ou plus élevé que ceux auxquels ces derniers sont assujettis; en outre, il ne sera prélevé à l'une des frontières des droits de douane ou autres droits ou charges, différents ou plus élevés que ceux qui sont prélevés à toute autre frontière sur les articles similaires. Les sujets Britanniques en Bulgarie, et les Bulgares dans le Royaume-Uni de la Grande-Bretagne et d'Irlande, jouiront d'une parfaite égalité de traitement avec les nationaux et les sujets de tout autre État étranger, en tout ce qui concerne l'entreposage, les primes, les drawbacks, les facilités, les brevets d'invention, les marques de fabrique, les marques distinctives de fabrication et de provenance, les modèles, et les dessins.

II. Il ne sera maintenu ou édicté contre l'importation d'un

decreed against the importation of any article the produce or manufacture of one or other of the contracting countries, from whatever place arriving, which shall not equally apply to the importation of the like article produced or manufactured in any other foreign country. It is, nevertheless, understood that each of the Contracting Parties reserves the right to apply sanitary measures and restrictions affecting the importation of any goods or articles injurious to public health, or to animals or plants.

III. Her Britannic Majesty's Government consents that, during the term of the present Arrangement, articles of British origin or manufacture shall pay, on entering Bulgaria, the customs, octroi, and excise duties specified in Annex (A), and in the Final Protocol of the Treaty signed on the ^{9th}/_{21st} December, 1896,* between the Austro-Hungarian and Bulgarian Plenipotentiaries, saving all reductions which have been or may be granted to other Powers, and excepting the articles scheduled in Annex 2 of the present Arrangement, which shall pay the duties therein specified.

IV. Annexes Nos. 1, 2, and 3 shall be considered as forming an integral part of the present Arrangement.

V.† The present Arrange-

article quelconque, produit du sol ou de l'industrie de l'un ou de l'autre des pays contractants, de quelque provenance que ce soit, aucune prohibition ou restriction qui ne s'appliquerait pas également à l'importation du même article, produit du sol ou de l'industrie de tout autre pays étranger. Il est néanmoins entendu que chacune des Parties Contractantes se réserve le droit d'appliquer des mesures et restrictions sanitaires concernant l'importation de toute marchandise ou colis nuisible à la santé publique, aux animaux, ou aux plantes.

III. Le Gouvernement de Sa Majesté Britannique consent, pour la durée du présent Arrangement, que les marchandises d'origine ou de manufacture Britannique acquittent à leur entrée en Bulgarie les droits de douane, d'octroi, et d'accise indiqués dans l'Annexe (A), et dans le Protocole Final du Traité signé le ⁹/₂₁ Décembre, 1896,* entre les Plénipotentiaires Austro-Hongrois et Bulgares, sauf toutes les réductions accordées ou qui seront accordées à d'autres Puissances, et à l'exception des articles indiqués dans l'Annexe 2 du présent Arrangement, qui payeront les droits y mentionnés.

IV. Les Annexes Nos. 1, 2, et 3 seront considérées comme formant partie intégrante du présent Arrangement.

V.† Le présent Arrange-

* Vol. LXXXVIII, page 371.

† See List of Colonies, page 19.

ment shall be applicable, so far as the laws permit, to all the Colonies and foreign possessions of Her Britannic Majesty: provided always that each of the said Colonies and foreign possessions shall be free to refuse its acceptance of the Arrangement within six months from the date of the signature thereof, notification to that effect being given by Her Majesty's Representative at Sophia to the Minister for Foreign Affairs of His Royal Highness the Prince of Bulgaria.

VI. The present Arrangement shall come into effect on the $\frac{1}{2}$ th July, 1897, and shall remain in force until the $\frac{19}{31}$ th December, 1899.

In case neither of the Contracting Parties shall have notified six months before the end of the said period the intention of putting an end to it, the Arrangement shall remain binding until the expiration of one year from the day on which one or other of the Contracting Parties shall have denounced it.

Done in duplicate at Vienna, this $\frac{1}{2}$ th day of July, in the year of Our Lord 1897.

(L.S.)

FRANCIS E. H. ELLIOT.

(L.S.)

DR. C. STOÏLOFF.

ment sera applicable, dans la mesure compatible avec les lois, à toutes les Colonies et possessions étrangères de Sa Majesté Britannique; sous la réserve, toutefois, que chacune des dites Colonies et possessions étrangères sera libre de renoncer à l'acceptation de l'Arrangement dans un délai de six mois à partir de la date de la signature de cet Arrangement, notification à cet effet étant donné par le Représentant de Sa Majesté Britannique à Sophia au Ministre des Affaires Étrangères de Son Altesse Royale le Prince de Bulgarie.

VI. Le présent Arrangement entrera en vigueur le $\frac{1}{2}$ Juillet, 1897, et demeurera exécutoire jusqu'au $\frac{19}{31}$ Décembre, 1899.

Dans le cas où aucune des Parties Contractantes n'aurait notifié six mois avant la fin de la dite période son intention d'en faire cesser les effets, le dit Arrangement demeurera obligatoire jusqu'à l'expiration d'un an à partir du jour où l'une ou l'autre des Parties Contractantes l'aura dénoncé.

Fait en double exemplaire à Vienne, ce $\frac{1}{2}$ Juillet, 1897.

(L.S.)

FRANCIS E. H. ELLIOT.

(L.S.)

DR. C. STOÏLOFF.

Annex No. 1.

1. THE right of "cabotage" is maintained for British vessels. During the term of the Arrangement signed on the $\frac{1}{2}$ th July, 1897, British vessels calling at Bulgarian ports shall not be liable to any dues or charges other or higher than those set forth in the annexed Circular of the ^{3rd}₁₈₈₅ April, 1885.

When ships can take advantage of the works now being constructed, or which may hereafter be constructed, at certain ports, the question of new dues to be paid at those ports shall be settled by mutual agreement.

2. In all operations relating to commerce or navigation (customs operations, fines, &c.) where British subjects are called upon to provide guarantees, bank guarantees will only be accepted as satisfactory if furnished by banks established in Bulgaria with the sanction of the Government of the Principality.

3. Every facility shall be granted to British subjects for bonding goods at the sea-ports; and the bonding of coal shall be permitted in dépôts either on land or afloat.

4. British subjects shall be permitted freely to exercise the profession of ship-broker. British subjects shall be permitted freely

Annexe No. 1.

1. LE droit de cabotage est maintenu pour les navires Britanniques. Pendant la durée de l'Arrangement signé le $\frac{1}{2}$ Juillet, 1897, les navires Britanniques faisant escale aux ports de la Bulgarie ne seront soumis à aucuns droits ou charges autres ni plus élevés que ceux indiqués dans l'Ordonnance Circulaire du $\frac{3}{18}$ Avril, 1885, dont copie annexée.

Lorsque les navires pourront profiter des travaux des ports actuellement en construction, ou qui seront construits à l'avenir, la question de nouveaux droits à payer dans ces ports sera réglée d'un commun accord.

2. Dans toutes les opérations relatives au commerce ou à la navigation (opérations de douane, amendes, &c.) où les sujets Britanniques seront tenus de fournir caution, il ne sera accepté comme caution suffisante, en fait de garanties de banque, que les garanties des banques fondées en Bulgarie avec la sanction de l'autorité Principière.

3. Toute facilité sera accordée aux sujets Britanniques pour l'entreposage de marchandises aux ports de mer, et l'entreposage du charbon de terre sera permis tant dans des dépôts sur terre que dans des dépôts flottants.

4. L'exercice de la profession de courtier maritime sera libre pour les sujets Britanniques. L'exercice de la profession de

to exercise the profession of grain-broker, provided they pay a licence tax of 400 fr. per annum.

5. In the event of the Government of Bulgaria undertaking the administration of the Sanitary and Lighthouse services on the Bulgarian coast of the Black Sea, it will not collect higher dues than those now levied by the existing Administrations.

6. With regard to the transport of goods by rail, the Bulgarian Government undertakes to admit British goods, and goods imported by British subjects or their agents, to the enjoyment of all advantages, or reductions of freight or of other charges, and to all privileges and facilities which have been, or may hereafter be, accorded to goods coming from any other foreign country, or imported by the subjects of the most favoured nation.

All goods landed at Bulgarian ports, including goods destined to be immediately dispatched to the interior of the Principality under the conditions of a tariff of through rates, may be cleared at the custom-house of the port of entry.

(L.S.)

FRANCIS E. H. ELLIOT.

(L.S.)

DR. C. STOÏLOFF.

courtier pour les céréales sera libre pour les sujets Britanniques qui payent la taxe de patente de 400 fr. par an.

5. Dans le cas où le Gouvernement Bulgare se chargerait de l'administration du service Sanitaire et du service des Phares sur le littoral Bulgare de la Mer Noire, il ne percevra pas des taxes plus élevées que celles actuellement prélevées par les Administrations existantes.

6. En ce qui concerne le transport de marchandises par chemin de fer, le Gouvernement Bulgare s'engage à faire participer les marchandises Britanniques, et celles importées par des sujets Britanniques ou leurs ayants cause, à tout avantage ou diminution de frais de transport ou d'autres charges, et à tout privilège et facilité qui sont ou qui seront accordés aux marchandises provenant de tout autre pays étranger, ou importés par les sujets de la nation la plus favorisée.

Toutes marchandises débarquées aux ports Bulgares, même celles qui seraient destinées à être immédiatement dirigées vers l'intérieur de la Principauté sous les conditions d'un tarif de transport direct, pourront être dédouanées à la douane du port d'entrée.

(L.S.)

FRANCIS E. H. ELLIOT.

(L.S.)

DR. C. STOÏLOFF.

Ordonnance Circulaire adressée le $\frac{3}{15}$ Avril, 1885, par le Ministère Princier des Finances, à MM. les Directeurs des Douanes établies dans les Ports. No. 8752.

(Traduction.)

Le Tarif concernant la perception des droits de port et annexé à l'Ordonnance en date du 28 Février, année courant, No. 5277, prévoit des taxes assez élevées; quelques-unes de ces taxes sont même inutiles. Le Ministère des Finances, désirant éviter des réclamations de la part des propriétaires indigènes ou étrangers des bateaux et écarter toute difficulté, a élaboré le Tarif ci-joint, aux lieu et place de l'ancien Tarif, et des modifications qui y ont été apportées à diverses reprises par les Circulaires ultérieures. Vous êtes en conséquence prié, M. le Directeur, de vous conformer au nouveau Tarif lors de la perception des droits de port afférents aux bateaux qui arrivent dans nos ports.

Tarif des Droits de Port.

§ 1. Pour ancrage et bouée :—

Tous les bâtiments de commerce battant pavillon Bulgare ou étranger, qui arrivent dans des ports Bulgares où le chargement et le déchargement des marchandises sont autorisés, acquitteront les droits suivants :

1. Si les bâtiments ne chargent ni ne déchargent dans un délai de huit jours à partir de leur arrivée dans le port, ils ne payent aucune taxe. Passé ce délai, s'ils commencent à charger, ils acquittent—

- (a.) Les bâtiments jaugeant jusqu'à 5 tonneaux, 1 fr. ;
- (b.) Les bâtiments jaugeant de 5 à 50 tonneaux, 2 fr. 50 c. ;
- (c.) Les bâtiments jaugeant de 50 à 300 tonneaux, 10 fr. ;
- (d.) Les bâtiments jaugeant de 300 à 600 tonneaux, 15 fr. ;
- (e.) Les bâtiments jaugeant de 600 tonneaux et au delà, 20 fr. ;
- (f.) Les schelps ou radeaux, 2 fr.

Les bâtiments qui, après le délai de huit jours, ne chargent point de marchandises acquitteront la moitié des taxes correspondantes ; mais si après avoir payé cette dernière taxe ils commencent à charger, ils devront acquitter l'autre moitié.

Remarque 1. Les petits bâtiments qui voyagent munis d'un certificat de cabotage, les bateaux de poste, et les Sociétés de Navigation qui font un service régulier sont exemptés du paiement de ces taxes.

Remarque 2. Les bâtiments venant d'un port Bulgare acquitteront la moitié du droit d'ancrage.

Remarque 3. Sont également exemptés du paiement du droit d'ancrage les bâtiments qui, pour cause de tempête ou

autre accident de mer, accostent à un point du littoral où le chargement et le déchargement des marchandises ne sont pas autorisés.

§ 2. Droits perçus annuellement des propriétaires de bâtiments et embarcations Bulgares :—

(a.) Tout propriétaire de bâtiment jaugeant jusqu'à 5 tonneaux paye annuellement 8 fr. ;

(b.) Tout propriétaire de bâtiment jaugeant de 5 à 50 tonneaux paye annuellement 15 fr. ;

(c.) Tout propriétaire de bâtiment jaugeant de 50 à 100 tonneaux paye annuellement 25 fr. ;

(d.) Tout propriétaire de bâtiment jaugeant de 100 à 200 tonneaux paye annuellement 40 fr. ;

(e.) Tout propriétaire de bâtiment jaugeant de 200 tonneaux et au delà paye annuellement 50 fr.

Les petites barques de pêche et les moulins à nef sont exemptés du paiement de ces taxes. Les barques payeront seulement les droits établis par la Loi sur la Pêche et les moulins acquitteront les droits prévus dans la Loi sur les Patentes.

§ 3. Les bâtiments neufs, construits dans la Principauté, payeront, lorsqu'ils seront lancés—

(a.) Les bateaux jaugeant 5 tonneaux, 2 fr. ;

(b.) Les bateaux jaugeant de 5 à 50 tonneaux, 10 fr. ;

(c.) Les bateaux jaugeant de 50 à 100 tonneaux, 15 fr. ;

(d.) Les bateaux jaugeant de 100 à 200 tonneaux, 20 fr. ;

(e.) Les bateaux jaugeant 200 tonneaux et au delà, 25 fr.

§ 4. Les bâtiments construits à l'étranger et battant pavillon Bulgare acquittent les taxes dans la proportion prévu au § 3.

§ 5. Droits pour délivrer différents documents et pour visa :—

(a.) Les bâtiments sous pavillon Bulgare, qui désirent se munir d'un diplôme de sujétion, doivent payer—

1. Les bâtiments jaugeant de 5 à 300 tonneaux, à 10 c. par tonneau ;

2. Les bâtiments jaugeant plus de 300 tonneaux payent 4 c. par tonneau en plus. Les diplômes doivent en outre être munis d'un timbre d'enregistrement de 1 fr.

(b.) Pour un acte de congé délivré à des bâtiments sous pavillon Bulgare il est perçu 5 fr. Cet acte doit être également muni d'un timbre de 1 fr.

(c.) Pour un rôle d'équipage délivré à des bâtiments sous pavillon Bulgare, pour un long ou court voyage, il est perçu 2 fr. ;

(d.) Pour un certificat de navigation le long du littoral, délivré aux petites embarcations, 1 fr. Ce certificat sera muni d'un timbre de 50 c. ;

(e.) Pour dresser ou légaliser un acte quelconque, 4 fr. ;

(f.) Pour visa, lors du départ du bâtiment, 2 fr.

Remarque 1. Sont exemptés du visa les documents délivrés aux petites embarcations naviguant le long du littoral.

Remarque 2. Toutes les autres taxes pour dresser et légaliser différentes actes relatifs à la navigation sont perçues par les Tribunaux compétents ou par les Agences de Bulgarie à l'étranger conformément au Tarif annexé à la Loi sur la Navigation de Commerce. (Voir Législation Ottomane, Tome I, traduit par Ch. S. Arnaudoff, p. 346.)

§ 6. Droit de lest:—

(a.) Tout bâtiment qui a jeté son lest dans un port maritime Bulgare à l'endroit fixé par l'Administration du port payera 3 centimes par tonne de jaugeage du bâtiment. Si le lest est déchargé à terre ou chargé dans un autre bâtiment, il ne sera perçu aucun droit;

(b.) Tout bâtiment qui prend du lest dans un port Bulgare où le lest est affermé, doit en payer le prix à l'entrepreneur conformément au tarif en vigueur.

Les droits de port doivent être acquittés en argent lorsqu'ils ne dépassent pas 20 fr., et en or lorsqu'ils sont supérieurs à cette somme, ainsi qu'il est établi pour les droits de douane.

Annex No. 2.

1. DURING the term of the Arrangement signed on the $\frac{1}{2}$ ³⁴th July, 1897, the import duties on the goods specified below shall not exceed the rates scheduled as follows:—

(1.) Copper, in ingots, plates and sheets, 10 per cent. *ad valorem*.

(2.) Caustic soda and soda of all kinds; potash; alums of all kinds; carbonate of ammonia; sal ammoniac; spirit of salt of ammonia and sulphate of ammonia; green and blue vitriol, 12 per cent. *ad valorem*.

(3.) Coal, 10 per cent. *ad valorem*.

(4.) Iron and steel scrap, 8 per cent. *ad valorem*.

Annexe No. 2.

1. PENDANT la durée de l'Arrangement signé le $\frac{1}{2}$ ³⁴ Juillet, 1897, les droits d'importation sur les marchandises ci-dessous spécifiées ne dépasseront pas les limites des taux indiquées comme suit:—

(1.) Cuivre, en lingots, plaques, et feuilles, 10 pour cent *ad valorem*.

(2.) Soude caustique et soude de toute espèce; potasse; aluns de toute espèce; carbonate d'ammonium; salmiac; esprit de sel d'ammoniac et sulfate d'ammonium; vitriol vert et vitriol bleu, 12 pour cent *ad valorem*.

(3.) Charbon de terre, 10 pour cent *ad valorem*.

(4.) Déchets de vieux fer et acier, 8 pour cent *ad valorem*.

(5.) Pig-iron 8 per cent. *ad valorem*.

(6.) Steel and iron, in blooms, ingots, bars, plates, sheets, hoop-iron, nail-roads, 10 per cent. *ad valorem*.

(7.) Wrought-iron and steel plates, polished, varnished, coated with copper, zinc, or tin, 12 per cent. *ad valorem*.

(8.) Tin plates, 12 per cent. *ad valorem*.

(9.) Coke, free.

(10.) Sacks of all kinds for the exportation of cereals, free.

(11.) Agricultural and other machinery, free.*

2. With regard to the right which the Bulgarian Government reserves to levy excise dues on building materials and combustibles, it is agreed that, among building materials, only timber shall be liable to such dues, and that coal and coke shall be free from all excise dues. It is likewise agreed that the excise dues which may be levied on sweet preserves shall not exceed the rate of 40 fr. per 100 kilog.; and on sweetened biscuits, 10 fr. per 100 kilog.

(L.S.)

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(L.S.)

DR. C. STOÏLOFF.

(5.) Fonte brute en saumons, 8 pour cent *ad valorem*.

(6.) Fer et acier, en morceaux, lingots, barres, plaques, feuilles, tôles, et bandes; fer pour fabrication de clous, 10 pour cent *ad valorem*.

(7.) Plaques d'acier et de fer forgé, polies, vernies, cuivrées, zinguées, ou étamées, 12 pour cent *ad valorem*.

(8.) Feuilles de fer-blanc 12 pour cent *ad valorem*.

(9.) Coke, exempt.

(10.) Sacs de tout genre pour exportation de céréales, exempts.

(11.) Machines, agricoles et autres, exemptes.*

2. En ce qui concerne la faculté que le Gouvernement Princier se réserve de prélever des droits d'accise sur les matériaux de construction et les combustibles, il est convenu que, comme matériaux de construction, seulement les bois de construction seront passibles de ce droit, et que le charbon de terre et le coke seront exempts de tout droit d'accise. Il est également convenu que le droit d'accise qui pourrait être prélevé sur les conserves sucrées ne dépassera pas le taux de 40 fr. par 100 kilog., et sur les biscuits sucrés 10 fr. par 100 kilog.

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(L.S.)

DR. C. STOÏLOFF.

* In conformity with the provisions of the Customs Law of January 8, 1885, Article 4, clauses (e) and (j), and of the Law for the Encouragement of Industry of December 20, 1894, Article 3, clause (b).

* En conformité avec les prévisions de la Loi des Douanes du 8 Janvier, 1885, Article 4, clauses (e) et (j), et de la Loi pour l'Encouragement de l'Industrie du 20 Décembre, 1894, Article 3, clause (b).

Annex No. 3.

1. It is agreed that commercial travellers' certificates of qualification may be issued by the Chambers of Commerce in the United Kingdom and by the British Consular authorities in conformity with the form hereto annexed.

2. It is agreed that the certificates of origin which may be required on the importation of certain goods into Bulgaria shall be in conformity with the form hereto annexed. No certificate shall be required on the importation of cotton.

3. The above-mentioned certificates of origin shall be issued by the competent British Chamber of Commerce or local authority.

(L.S.)

FRANCIS E. H. ELLIOT.

(L.S.)

DR. C. STOÏLOFF.

Annexe No. 3.

1. Il est convenu que les cartes de légitimation pour les voyageurs de commerce pourront être délivrées par les Chambres de Commerce dans le Royaume-Uni et par les autorités Consulaires Britanniques conformément au modèle ci-jointe.

2. Il est convenu que les certificats d'origine qui pourront être demandés à l'importation en Bulgarie de certaines marchandises seront conformes au modèle ci-jointe. Aucun certificat ne sera demandé à l'importation du coton.

3. Les certificats d'origine susmentionnés seront délivrés par la Chambre de Commerce ou l'autorité locale, Britannique, compétente.

(L.S.)

FRANCIS E. H. ELLIOT.

(L.S.)

DR. C. STOÏLOFF.

Commercial Travellers' Certificate of Qualification in Bulgaria.

THE Undersigned [*name, style, and residence of issuing authority*]
 certifies that the bearer of this certificate, Mr. [*Christian
 name and surname*] is authorized to represent the

 manufactory [*ies*] of
 commercial house [*s*] dealing in
 established at in the United Kingdom of Great Britain and

 Ireland as the of
 firms

(Seal.)
 (Sceau.)

Signature of the bearer
 Signature du porteur

Note.

The bearer of this certificate must not solicit orders nor make
 purchases otherwise than as a traveller, and on account of the above-
 mentioned He may carry with him samples, but not goods. He
 must, moreover, conform to the Regulations in force in Bulgaria.

Carte de Légitimation pour Voyageurs de Commerce en Bulgarie.

LE Soussigné [*nom, qualité, et résidence de l'autorité compétente*]
 certifie que le porteur de la présente carte, M. [*prénoms
 et noms*] est autorisé à représenter

 la fabrique [*s*] de
 les maison [*s*] de commerce en
 domiciliée [*s*] à dans le Royaume-Uni de la Grande-Bretagne
 et d'Irlande sous la raison [*s*] sociale [*s*]
 les

Signature.

Nota.

Le porteur de la présente carte ne pourra rechercher des commandes
 ou faire des achats autrement qu'en voyageant et pour le compte
 de la maison susmentionnée. Il pourra avoir avec lui des échantillons,
 des maisons susmentionnées
 mais point de marchandises. Il se conformera, d'ailleurs, aux dispositions
 en vigueur en Bulgarie.

Certificate of Origin.

I (1) certify that it appears from the documents produced before me that Mr. (2) on the 1896..... (3) dispatched by train from (4) station..... (5) shipped from this port of (6) Nos. (7) of kilogrammes gross weight, containing (8) which goods are the produce of this country, and are destined for the manufacture port of (9) on account of Mr. (10) to (11) order.

Date, signature, and seal.
Date, signature, et sceau.

- (1) Name and office of the official who signs the certificate.
(2) Name of the manufacturer or merchant.
(3) Date.
(4) Name of the railway station or port.
(5) Number of packages.
(6) Description of packages.
(7) General description of the goods.
(8) Name of port of landing.
(9) Name of consignee.
(10) Place of destination.

Certificate of Destination.

Mr. (1) certifies that d'après les documents exhibés M. (2) a facturé le 1896..... (3) dans cette gare de (4) (5) re port de (6) (7) marque..... numéros..... avec poids brut de kilogrammes, contenant (8) lesquelles marchandises sont produites dans ce pays et sont destinées pour le port de (9) pour le compte de M. (10) à (11) ordre [to order].

- (1) Nom et qualités de l'autorité qui expédie le document.
(2) Nom du producteur ou négociant.
(3) Date.
(4) Nom de la gare de chemin de fer ou du port.
(5) Nombre des colis.
(6) Sorte des colis.
(7) Description générale des marchandises.
(8) Nom du port de débarquement.
(9) Nom du destinataire.
(10) Nom du lieu de destination.

Declaration annexed to the Commercial Arrangement between Great Britain and Bulgaria.

It is understood that all the stipulations and conditions of the Treaties and Conventions actually in force are maintained in so far as they shall not have been modified for the term of the Arrangement signed on the 1st July, 1897, by the said Arrangement itself, or by the conclusion of a special Convention between the two Contracting Parties.

IL est entendu que toutes les stipulations et conditions des Traités et Conventions actuellement en vigueur sont maintenues en tant qu'elles n'auront pas été modifiées pour la durée de l'Arrangement signé le 1^{er} Juillet, 1897, par le dit Arrangement lui-même, ou par la conclusion d'une Convention spéciale entre les deux Parties Contractantes.

(L.S.)

FRANCIS E. H. ELLIOT.

(L.S.)

DR. C. STOÏLOFF.

(L.S.)

FRANCIS E. H. ELLIOT.

(L.S.)

DR. C. STOÏLOFF.

Notes respecting Statistical Dues.—Sophia, April, May, 1897.

Ministère des Affaires Étrangères et des Cultes,

M. L'AGENT,

Sofia, le 1^{er} Avril, 1897.

J'AI l'honneur de vous communiquer ci-joint un Règlement fixant les limites maximum des taux des droits de statistique à prélever sur différentes catégories de marchandises importées et exportées par les frontières de la Principauté.

Ainsi que vous pourrez le constater, ce Règlement offre toutes les garanties voulues que les droits de statistique ne grèveront nullement le commerce au delà de ce qui est strictement nécessaire pour couvrir les frais de statistique du mouvement commercial dans nos douanes.

En espérant que le Gouvernement de Sa Majesté Britannique voudra bien reconnaître que ces droits ainsi limités n'apporteront aucune entrave au libre développement du commerce, je saisis, &c.

F. Elliot, Esq.

DR. C. STOÏLOFF.

Droits de Statistique.

Les droits de statistique seront perçus d'après les dispositions ci-dessous indiquées :

Dix centimes par colis, avec les exceptions suivantes :—

1. Les envois postaux seront affranchis de tout droit de statistique.

2. Les pointes de Paris et les clous de tout espèce, importés en caisses et en futailles, ainsi que les verres à vitre, payeront un droit de 10 centimes par 100 kilog.

3. Le ciment et la chaux hydraulique, importés en futailles ou en sacs, payeront 10 centimes par 250 kilog.

4. Le fer et l'acier, bruts ou demi-ouvrés, tels que le fer à cercles, le fer Suède, le fer et l'acier en barres, plaques, tôles, et feuilles, ainsi que le fer blanc, payeront toujours d'après les dispositions pour la marchandise chargée en vrac.

5. Le charbon de terre et le coke, importés en sacs, payeront le même droit que les importations chargées en vrac.

Toutes marchandises, importées, chargées en vrac, payeront un droit de statistique de 15 centimes par 1,000 kilog.

Les bestiaux payeront 10 centimes par tête.

M. LE MINISTRE,

Sophia, May 22, 1897.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 17th (29th) April, communicating to me regulations fixing the maximum limits of the rates of statistical dues to be levied on different categories of merchandize imported and exported by the frontiers of the Principality.

I am authorized by Her Majesty's Government to accept these regulations as providing that the statistical dues shall not constitute a burden on British trade in excess of reasonable requirements for covering the expense of the statistical service.

Dr. C. Stoiloff.

F. ELLIOT.

List of British Colonies which have acceded to the above Convention under Article V.

Natal.	South Australia.
Newfoundland.	Tasmania.
New South Wales.	Victoria.
New Zealand.	Western Australia.
Queensland.	

The following Colonies and Possessions have not acceded to the Convention.

Canada.
Cape of Good Hope.
India.

*TREATY between Great Britain and Chile, for the Mutual Surrender of Fugitive Criminals. — Signed at Santiago, January 26, 1897.**

[Ratifications exchanged at Santiago, April 14, 1898.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Republic of Chile, having determined, by common consent, to conclude a Treaty for the extradition of criminals, have accordingly named as their Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, John G. Kennedy, Esq., Minister Resident of Great Britain in Chile; and

His Excellency the President of the Republic of Chile, Señor Don Carlos Morla Vicuña, Minister of Foreign Affairs;

Who, after having exhibited to each other their respective full powers, and found them in good and due form, have agreed upon the following Articles:—

ART. I. The High Contracting Parties engage to deliver up to each other, under certain circumstances and conditions stated in the present Treaty, those persons who, being accused or convicted of any of the crimes or offences enumerated in Article II, committed in the territory of the one Party, shall be found within the territory of the other Party.

II. Extradition shall be reciprocally granted for the following crimes or offences:

1. Murder (including assassination, parricide, infanticide, poisoning), or attempt or conspiracy to murder;

2. Manslaughter;

3. Administering drugs or using instruments with intent to procure the miscarriage of women;

4. Rape;

5. Carnal knowledge or any attempt to have carnal knowledge of a girl under 14 years of age, if the evidence produced justifies committal for those crimes according to the laws of both the Contracting Parties;

6. Indecent assault;

7. Kidnapping and false imprisonment, child stealing;

8. Abduction;

9. Bigamy;

* Signed also in the Spanish language.

10. Maliciously wounding or inflicting grievous bodily harm ;
11. Assault occasioning actual bodily harm ;
12. Threats, by letter or otherwise, with intent to extort money or other things of value ;
13. Perjury, or subornation of perjury ;
14. Arson ;
15. Burglary or house-breaking, robbery with violence, larceny, or embezzlement ;
16. Fraud by a bailee, banker, agent, factor, trustee, director, member, or public officer of any company, punishable with imprisonment for not less than one year by any law for the time being in force ;
17. Obtaining money, valuable security, or goods by false pretences ; receiving any money, valuable security, or other property, knowing the same to have been stolen or unlawfully obtained ;
- 18.—(a.) Counterfeiting or altering money or bringing into circulation counterfeited or altered money ;
- (b.) Knowingly making without lawful authority any instrument, tool, or engine adapted and intended for the counterfeiting of the coin of the realm ;
- (c.) Forgery, or uttering what is forged ;
19. Crimes against bankruptcy law ;
20. Any malicious act done with intent to endanger the safety of any persons travelling or being upon a railway ;
21. Malicious injury to property, if such offence be indictable ;
22. Piracy and other crimes or offences committed at sea against persons or things which, according to the laws of the High Contracting Parties, are extradition offences, and are punishable by more than one year's imprisonment ;
23. Dealing in slaves in such manner as to constitute a criminal offence against the laws of both States.

The extradition is also to be granted for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both Contracting Parties.

Extradition may also be granted at the discretion of the State applied to in respect of any other crime for which, according to the laws of both the Contracting Parties for the time being in force, the grant can be made.

III. Each Party reserves the right to refuse or grant the surrender of its own subjects or citizens to the other party.

IV. The extradition shall not take place if the person claimed on the part of Her Majesty's Government, or the person claimed on the part of the Government of Chile, has already been tried and discharged or punished, or is still under trial in the territory of the

Republic of Chile or in the United Kingdom respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of Her Majesty's Government, or on the part of the Government of Chile, should be under examination for any other crime in the territory of the Republic of Chile or in the United Kingdom respectively, his extradition shall be deferred until the conclusion of the trial, and the full execution of any punishment awarded to him.

V. The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applying or applied to.

It shall likewise not take place when, according to the law of either country, the maximum punishment for the offence is imprisonment for less than one year.

VI. A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

VII. A person surrendered can in no case be kept in prison or be brought to trial in the State to which the surrender has been made, for any other crime, or on account of any other matters, than those for which the extradition shall have taken place, until he has been restored, or has had an opportunity of returning to the State by which he has been surrendered.

This stipulation does not apply to crimes committed after the extradition.

VIII. The requisition for extradition shall be made through the Diplomatic Agents of the High Contracting Parties respectively.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

A sentence passed *in contumaciam* is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

IX. If the requisition for extradition be in accordance with the

foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

X. A criminal fugitive may be apprehended under a warrant issued by any Police Magistrate, Justice of Peace, or other competent authority in either country, on such information or complaint, and on such evidence, or after such proceedings, as would, in the opinion of the authority issuing the warrant, justify the issue of a warrant if the crime had been committed or the person convicted in that part of the dominions of the two Contracting Parties in which the Magistrate, Justice of Peace, or other competent authority, exercises jurisdiction: provided, however, that in the United Kingdom the accused shall, in such case, be sent as speedily as possible before a Police Magistrate in London. He shall, in accordance with this Article, be discharged, as well in the Republic of Chile as in the United Kingdom, if within the term of ninety days a requisition for extradition shall not have been made by the Diplomatic Agent of his country in accordance with the stipulations of this Treaty. The same rule shall apply to the cases of persons accused or convicted of any of the crimes or offences specified in this Treaty, and committed in the high seas on board any vessel of either country which may come into a port of the other.

XI. The extradition shall take place only if the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the territory of the same State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition, and that the crime of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the State applied to; and no criminal shall be surrendered until after the expiration of fifteen days from the date of his committal to prison to await the warrant for his surrender.

XII. In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the State applied to shall admit as valid evidence the sworn depositions or the affirmations of witnesses taken in the other State, or copies thereof, and likewise the warrants and sentences issued therein, and certificates of, or judicial documents stating the fact of a conviction, provided the same are authenticated as follows:—

1. A warrant must purport to be signed by a Judge, Magistrate, or officer of the other State.

2. Depositions or affirmations, or the copies thereof, must purport to be certified, under the hand of a Judge, Magistrate, or officer of the other State, to be the original depositions or affirmations, or to be true copies thereof, as the case may require.

3. A certificate of, or judicial document stating, the fact of a conviction must purport to be certified by a Judge, Magistrate, or officer of the other State.

4. In every case such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated, either by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of the other State; but any other mode of authentication for the time being permitted by the law of the country where the examination is taken may be substituted for the foregoing.

XIII. If the individual claimed by one of the High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to the State whose demand is earliest in date.

XIV. If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, or within such further time as the State applied to, or the proper Tribunal thereof, shall direct, the fugitive shall be set at liberty.

XV. All articles seized which were in the possession of the person to be surrendered at the time of his apprehension shall, if the competent authority of the State applied to for the extradition has ordered the delivery of such articles, be given up when the extradition takes place; and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

XVI. All expenses connected with extradition shall be borne by the demanding State.

XVII. The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws in such Colonies and foreign possessions respectively will allow.

The requisition for the surrender of a fugitive criminal, who has taken refuge in any of such Colonies or foreign possessions, shall be made to the Governor or chief authority of such Colony or possession by the chief Consular officer of the Republic of Chile in such Colony or possession.

Such requisition may be disposed of, subject always, as nearly as may be, and so far as the law of such Colony or foreign possession will allow, to the provisions of this Treaty, by the said Governor or chief authority, who, however, shall be at liberty either to grant the surrender or to refer the matter to his Government.

Her Britannic Majesty shall, however, be at liberty to make

special arrangements in the British Colonies and foreign possessions for the surrender of Chilean criminals who may take refuge within such Colonies and foreign possessions, on the basis, so far as the law of such Colony or foreign possession will allow, of the provisions of the present Treaty.

Requisitions for the surrender of a fugitive criminal emanating from any Colony or foreign possession of Her Britannic Majesty shall be governed by the rules laid down in the preceding Articles of the present Treaty.

XVIII. The present Treaty shall come into force ten days after its publication in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties by a notice not exceeding one year, and not less than six months.

It shall be ratified, after receiving the approval of the Congress of the Republic of Chile, and the ratifications shall be exchanged at Santiago as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and affixed thereto their respective seals.

Done at Santiago, the 26th day of January, in the year 1897.

(L.S.) J. G. KENNEDY.

(L.S.) C. MORLA VICUÑA.

AGREEMENT between Great Britain and China, modifying the Convention of March 1, 1894, relative to Burmah and Thibet.—Signed at Peking, February 4, 1897.

[Ratifications exchanged at Peking, June 5, 1897.]

IN consideration of the Government of Great Britain consenting to waive its objections to the alienation by China, by the Convention with France of the 20th June, 1895,* of territory forming a portion of Kiang Hung, in derogation of the provisions of the Convention between Great Britain and China of the 1st March, 1894,† it has been agreed between the Governments of Great Britain and China that the following additions and alterations shall be made in the last-named Convention, hereinafter referred to as the original Convention:—

ART. I. It is agreed that the frontier between the two Empires from latitude 25° 35' north shall run as follows:

* Vol. LXXXVII, page 523.

† Vol. LXXXVII, page 1311.

Commencing at the high peak situated approximately in that latitude and in longitude $98^{\circ} 14'$ east of Greenwich and $18^{\circ} 16'$ west of Peking, the line shall follow, as far as possible, the crest of the hills running in a south-westerly direction to Warung Peak (Kaulyang), and shall extend thence to Sabu Pum.

From Sabu Pum the frontier shall run in a line along the watershed slightly to the south of west through Shatrung Pum to Namienu Pum.

Thence it shall follow a line to be fixed after local investigation, dividing the Szis and the Kumsas as far as the Tabak Kha; thence the Tabak Kha to the Namtabet; thence the Namtabet to the Paknoi Kha; thence the Paknoi Kha to its source near Talang Pum; thence the Talang Pum ridge to Bumra Shikong.

From Bumra Shikong the frontier shall follow a line running in a south-west direction to the Laisa Kha; thence the Laisa Kha to the Molè stream, running between Kadôn and Laisa; thence the Molè to its confluence with the Cheyang Kha; thence the Cheyang Kha to Alaw Pum; thence the Nampaung stream to the Taping.

The Taping to the Shweli River.

II. From the junction of the Taping and the Nampaung streams the frontier shall follow the Taping to the neighbourhood of the Lwalaing ridge; thence a line running approximately along the Lwalaing ridge and the Lwalaing stream to the Namwan; thence the Namwan to its junction with the Shweli.

Great Britain engages to recognize as belonging to China the tract to the south of the Namwan River, near Namkhai, which is inclosed to the west by a branch of the Nam Māk River and the Mawsiu range of hills up to Loi Chow Peak, and thence by the range running in a north-easterly direction to the Shweli River.

In the whole of this area China shall not exercise any jurisdiction or authority whatever. The administration and control will be entirely conducted by the British Government, who will hold it on a perpetual lease from China, paying a rent for it, the amount of which shall be fixed hereafter.

The Shweli to the Mekong.

III. From the junction of the Namwan and Shweli the frontier shall follow the northern boundary of the State of North Hsinwi, as at present constituted, to the Salween, leaving to China the loop of the Shweli River, and almost the whole of Wanting, Mong-ko, and Mong-ka.

Starting from the point where the Shweli turns northward near Namswan, i.e., from its junction with the Namyang, the frontier

shall ascend this latter stream to its source in the Mong-ko Hills, in about latitude $24^{\circ} 7'$ and longitude $98^{\circ} 15'$, thence continue along a wooded spur to the Salween at its junction with the Namoi stream. The line shall then ascend the Salween till it meets the north-west boundary of Kokang, and shall continue along the eastern frontier of Kokang till it meets the Kunlong circle, leaving the whole circle of Kunlong to Great Britain.

The frontier shall then follow the course of the river forming the boundary between Somu, which belongs to Great Britain, and Mêng Ting, which belongs to China. It shall still continue to follow the frontier between those two districts, which is locally well known, to where it leaves the aforesaid river and ascends the hills, and shall then follow the line of water-parting between the tributaries of the Salween and the Mekong Rivers, from about longitude 99° east of Greenwich ($17^{\circ} 30'$ west of Peking), and latitude $23^{\circ} 20'$, to a point about longitude $99^{\circ} 40'$ east of Greenwich ($16^{\circ} 50'$ west of Peking) and latitude 23° , leaving to China the 'Tsawbwaships of Kêng Ma, Mengtung, and Mengko.

At the last-named point of longitude and latitude the line strikes a very lofty mountain range, called Kong-Ming-Shan, which it shall follow in a southerly direction to about longitude $99^{\circ} 30'$ east of Greenwich (17° west of Peking), and latitude $22^{\circ} 30'$, leaving to China the district of Chen-pien T'ing. Then, descending the western slope of the hills to the Namka River, it will follow the course of that river for about 10 minutes of latitude, leaving Munglem to China and Manglun to Great Britain.

The frontier shall then follow the boundary between Munglem and Kiang Tong, which is locally well known, diverging from the Namka River a little to the north of latitude 22° , in a direction somewhat south of east, and generally following the crest of the hills till it strikes the Namlam River in about latitude $21^{\circ} 45'$ and longitude 100° east of Greenwich ($16^{\circ} 30'$ west of Peking).

It shall then follow the boundary between Kiang Tong and Kiang Hung, which is generally formed by the Namlam River, with the exception of a small strip of territory belonging to Kiang Hung, which lies to the west of that river, just south of the last-named parallel of latitude. On reaching the boundary of Western Kyaing Chaing, in about latitude $21^{\circ} 27'$ and longitude $100^{\circ} 12'$ east of Greenwich ($16^{\circ} 18'$ west of Peking), the frontier shall follow the boundary between that district and Kiang Hung until it reaches the Mekong River.

IV. [No addition to original Convention.]

V. It is agreed that China will not cede to any other nation either Mung Lem or any part of Kiang Hung on the right bank of the Mekong, or any part of Kiang Hung now in her possession on

the left bank of that river, without previously coming to an arrangement with Great Britain.

VI. Article VI of the original Convention shall be held to be modified as follows:—

It is agreed that, in order to avoid any local contention, the alignments of the frontier described in the present Agreement shall be verified and demarcated, and, in the event of their being found defective at any point, rectified by a Joint Commission appointed by the Governments of Great Britain and China, and that the said Commission shall meet, at a place hereafter to be determined by the two Governments, not later than twelve months from the date of the signature of the present Agreement, and shall terminate its labours in not more than three years from the date of its first meeting.

If a strict adherence to the line described would intersect any districts, tribal territories, towns, or villages, the Boundary Commission shall be empowered to modify the line on the basis of mutual concessions. If the members of the Commission are unable to agree on any point, the matter of disagreement shall at once be referred to their respective Governments.

VII. [No addition to original Convention.]

VIII. [No addition to original Convention.]

IX. Add as follows:—

In addition to the Manwyne and Sansi routes sanctioned by the Convention of 1894, the Governments of Great Britain and China agree that any other routes, the opening of which the Boundary Commissioners may find to be in the interests of trade, shall be sanctioned on the same terms as those mentioned above.

X. [No addition to original Convention.]

XI. [No addition to original Convention.]

XII. Add as follows:—

The Chinese Government agrees hereafter to consider whether the conditions of trade justify the construction of railways in Yunnan, and, in the event of their construction, agrees to connect them with the Burmese lines.

XIII. Whereas by the original Convention it was agreed that China might appoint a Consul in Burmah, to reside at Rangoon; and that Great Britain might appoint a Consul to reside at Manwyne; and that the Consuls of the two Governments should each within the territories of the other enjoy the same privileges and immunities as the Consuls of the most favoured nation, and, further, that, in proportion as the commerce between Burmah and China increased, additional Consuls might be appointed by mutual consent to reside at such places in Burmah and Yunnan as the requirements of trade might seem to demand.

It has now been agreed that the Government of Great Britain may station a Consul at Momein or Shunning-fu, as the Government of Great Britain may prefer, instead of at Manwyne, as stipulated in the original Convention, and also to station a Consul at Ssumao.

British subjects and persons under British protection may establish themselves, and trade at these places, under the same conditions as at the Treaty ports in China.

The Consuls appointed as above shall be on the same footing as regards correspondence and intercourse with Chinese officials as the British Consuls at the Treaty ports.

XIV. Instead of "Her Britannic Majesty's Consul at Manwyne" in the original Convention, read "Her Britannic Majesty's Consul at Shunning or Momein," in accordance with the change made in Article XIII.

XV. [No addition to original Convention.]

XVI. [No addition to original Convention.]

XVII. [No addition to original Convention.]

XVIII. [No addition to original Convention.]

XIX. Add as follows :—

Failing agreement as to the terms of revision, the present arrangements shall remain in force.

Special Article.—Whereas on the 20th day of January, 1896, the Tsung-li Yamên addressed an official despatch to Her Majesty's Chargé d'Affaires at Peking, informing him that on the 30th day of December, 1895, they had submitted a Memorial respecting the opening of ports on the West River to foreign trade, and had received an Imperial Decree in approval, of which they officially communicated a copy.

It has now been agreed that the following places, viz., Wuchow-fu, in Kwangsi, and Samshui City and Kong Kun Market, in Kwangtung, shall be opened as Treaty ports and Consular stations, with freedom of navigation for steamers between Samshui and Wuchow and Hong Kong and Canton, by a route from each of these latter places to be selected and notified in advance by the Imperial Maritime Customs, and that the following four places shall be established as ports of call for goods and passengers, under the same Regulations as the ports of call on the Yang-tzū River, namely, Kongmoon, Komchuk, Shiuhing, and Takhing.

It is agreed that the present Agreement, together with the Special Article, shall come into force within four months of the date of signature, and that the ratifications thereof shall be exchanged at Peking as soon as possible.

In witness whereof the Undersigned, duly authorized thereto by their respective Governments, have signed the present Agreement.

Done at Peking in triplicate—three copies in English, and three in Chinese—the 4th day of February, in the year of Our Lord 1897.

(L.S.) CLAUDE M. MACDONALD.

(L.S.) (Chinese signature of his Excellency Li.)

ACCESSION of Serbia and the Dominican Republic to Protocol III of the Madrid Conference respecting the Endowment of the International Office (Industrial Property).—November 17, 1897.

No. 1.—M. Bourcart to the Marquess of Salisbury.—(Received November 18.)

M. LE MARQUIS, Londres, le 17 Novembre, 1897.

SUR l'ordre du Conseil Fédéral j'ai l'honneur d'informer votre Seigneurie que, par note en date du 7^e Octobre écoulé, le Ministère des Affaires Étrangères de Serbie lui a fait connaître l'acceptation par son Gouvernement du Protocole III de la Conférence de Madrid de l'Union pour la Protection de la Propriété Industrielle, concernant la dotation du Bureau International.

La République Dominicaine devant être considérée comme adhérente à la suite des démarches que le Conseil Fédéral a faites auprès de son Gouvernement, il en résulte que tous les États de l'Union ont maintenant accepté le Protocole dont il s'agit. Dès lors, je suis chargé d'informer votre Seigneurie que le Protocole III de la Conférence de Madrid du 15 Avril, 1891,* est entré en vigueur et recevra son application à partir de l'année 1898.

En priant votre Seigneurie de vouloir bien prendre note de ce qui précède, je saisis, &c.,

Le Marquis de Salisbury.

C. D. BOURCART.

No. 2.—The Marquess of Salisbury to M. Bourcart.

SIR,

Foreign Office, November 22, 1897.

I HAVE the honour to acknowledge the receipt of your note of the 17th instant, in which you are good enough to inform me of the accession of Serbia and the Dominican Republic to the Industrial Property Union.

M. Bourcart.

SALISBURY.

* Vol. LXXXIII, page 676.

TREATY between Great Britain and Ethiopia.—Signed by the Emperor Menelek II, and by Her Majesty's Envoy, at Addis Abbaba, May 14, 1897.

[Ratified by the Queen, July 28, 1897.]

[English version.*]

HER Majesty Victoria, by the grace of God Queen of Great Britain and Ireland, Empress of India, and His Majesty Menelek II, by the grace of God King of Kings of Ethiopia, being desirous of strengthening and rendering more effective and profitable the ancient friendship which has existed between their respective kingdoms;

Her Majesty Queen Victoria having appointed as her Special Envoy and Representative to His Majesty the Emperor Menelek II, James Rennell Rodd, Esq., Companion of the Most Distinguished Order of St. Michael and St. George, whose full powers have been found in due and proper form, and His Majesty the Emperor Menelek, negotiating in his own name as King of Kings of Ethiopia, they have agreed upon and do conclude the following Articles, which shall be binding on themselves, their heirs and successors:—

ART. I. The subjects of or persons protected by each of the Contracting Parties shall have full liberty to come and go and engage in commerce in the territories of the other, enjoying the protection of the Government within whose jurisdiction they are; but it is forbidden for armed bands from either side to cross the frontier of the other on any pretext whatever without previous authorization from the competent authorities.

II. The frontiers of the British Protectorate on the Somali Coast recognized by the Emperor Menelek shall be determined subsequently by exchange of notes between James Rennell Rodd, Esq., as Representative of Her Majesty the Queen, and Ras Maconen as Representative of His Majesty the Emperor Menelek, at Harrar.† These notes shall be annexed to the present Treaty, of which they will form an integral part, so soon as they have received the approval of the High Contracting Parties, pending which the *status quo* shall be maintained.

III. The caravan route between Zeyla and Harrar by way of Gildessa shall remain open throughout its whole extent to the commerce of both nations.

* The Amharic version signed by King Menelek appeared in the left column of the original Treaty. For French translation, see page 34.

† See Annex 3, page 36.

IV. His Majesty the Emperor of Ethiopia, on the one hand, accords to Great Britain and her Colonies, in respect of import duties and local taxation, every advantage which he may accord to the subjects of other nations.

On the other hand, all material destined exclusively for the service of the Ethiopian State shall, on application from His Majesty the Emperor, be allowed to pass through the port of Zeyla into Ethiopia free of duty.

V. The transit of fire-arms and ammunition destined for His Majesty the Emperor of Ethiopia through the territories depending on the Government of Her Britannic Majesty is authorized, subject to the conditions prescribed by the General Act of the Brussels Conference, signed the 2nd July, 1890.*

VI. His Majesty the Emperor Menelek II, King of Kings of Ethiopia, engages himself towards the Government of Her Britannic Majesty to do all in his power to prevent the passage through his dominions of arms and ammunition to the Mahdists, whom he declares to be the enemies of his Empire.

The present Treaty shall come into force as soon as its ratification by Her Britannic Majesty shall have been notified to the Emperor of Ethiopia, but it is understood that the prescriptions of Article VI shall be put into force from the date of its signature.

In faith of which His Majesty Menelek II, King of Kings of Ethiopia, in his own name, and James Rennell Rodd, Esq., on behalf of Her Majesty Victoria, Queen of Great Britain and Ireland, Empress of India, have signed the present Treaty, in duplicate, written in the English and Amharic languages identically, both texts being considered as official,† and have thereto affixed their seals.

Done at Addis Abbaba, the 14th day of May, 1897.

(L.S.) JAMES RENNELL RODD.

(Seal of His Majesty the Emperor Menelek II.)

Annexes to Treaty signed at Addis Abbaba on the 14th May, 1897, by His Majesty the Emperor Menelek and by Mr. James Rennell Rodd.

Annex 1.

Mr. Rodd to the Emperor Menelek.

YOUR MAJESTY,

Addis Abbaba, May 14, 1897.

WITH reference to Article II of the Treaty which we are to sign to-day, I am instructed by my Government, in the event of a

* Vol. LXXXII, page 55.

† See Annex 2, page 34, as to French translation of text.

possible occupation by Ethiopia of territories inhabited by tribes who have formerly accepted and enjoyed British protection in the districts excluded from the limits of the British Protectorate on the Somali Coast, as recognized by your Majesty, to bring to your knowledge the desire of Her Majesty the Queen to receive from your Majesty an assurance that it will be your special care that these tribes receive equitable treatment, and are thus no losers by this transfer of suzerainty.

In expressing the hope that your Majesty will enable me to give this assurance, I have, &c.,

RENNELL RODD.

(Traduction.)

VOTRE MAJESTÉ,

Adis Abbaba, le 14 Mai, 1897.

ME référant à l'Article II du Traité qui sera signé entre nous aujourd'hui, je suis chargé par mon Gouvernement de porter à la connaissance de votre Majesté, dans le cas où l'Éthiopie entrera éventuellement en occupation de territoires habités par les tribus qui avaient antérieurement accepté et joui de la protection Britannique dans les régions exclues de la limite reconnue par votre Majesté comme frontière du Protectorat Britannique sur la Côte des Somalis, le désir de Sa Majesté la Reine de recevoir une assurance de la part de votre Majesté qu'elle s'occupera tout spécialement à pourvoir que ces tribus seront traitées équitablement, afin qu'ils ne perdent rien par ce transfèrement de suzeraineté.

En exprimant l'espoir que votre Majesté me permettra de donner cette assurance, j'ai, &c.,

RENNELL RODD.

The Emperor Menelek to Mr. Rodd.

(Translation.)

The Conquering Lion of the Tribe of Judah, Menelek II, by the grace of God King of Kings of Ethiopia, to Mr. Rennell Rodd, Envoy of the Kingdom of England.

Peace be unto you.

YOUR letter, written in Genbot 1889, respecting the Somalis, has reached me. With regard to the question you have put to me, I give you the assurance that the Somalis who may by boundary arrangements become subjects of Ethiopia shall be well treated and have orderly government.

Written at Addis Abbaba, the 6th Genbot, 1889 (14th May, 1897).

(Seal of His Majesty the Emperor Menelek II.)

Annex 2.

The Emperor Menelek to Mr. Rodd.

(Translation.)

From Menelek II, by the grace of God King of Kings of Ethiopia,
Conquering Lion of the Tribe of Judah.

May this reach James Rennell Rodd.

Peace be unto you.

WITH reference to the Treaty which we have written in the Amharic and English languages at Addis Abbaba, as I have no interpreter with me who understands the English language well enough to compare the English and Amharic version, if by any possibility in the future there should ever be found any misunderstanding between the Amharic and English versions in any of the Articles of this Treaty, let this translation, which is written in the French language, and which I inclose in this letter, be the witness between us, and if you accept this proposal send me word of your acceptance by letter.

Dated 7th Genbot, 1889 (14th May, 1897).

(Seal of His Majesty the Emperor Menelek II.)

Inclosure in above Letter.

(Traduction.)

SA Majesté Victoria, par la grâce de Dieu Reine de la Grande-Bretagne et d'Irlande, Impératrice des Indes, et Sa Majesté Ménélek II, Roi des Rois d'Éthiopie, désireux de fortifier et de rendre plus efficace et avantageuse l'ancienne amitié qui existe entre les deux Royaumes :

Sa Majesté la Reine Victoria ayant nommé comme son Envoyé Extraordinaire et Représentant auprès de Sa Majesté l'Empereur Ménélek, James Rennell Rodd, Esquire, Compagnon de l'Honorable Ordre de Saint-Michel et Saint-Georges, dont les pleins pouvoirs ont été reconnus en bonne et due forme ; et

Sa Majesté l'Empereur Ménélek, agissant en son propre nom comme Roi des Rois d'Éthiopie ;

Se sont accordés sur, et ont conclu, les Articles qui suivent, par lesquels ils s'engagent eux-mêmes, ainsi que leurs héritiers et successeurs :—

ART. I. Les sujets et protégés de chacune des deux Parties Contractantes auront pleine liberté d'entrer, de sortir, et d'exercer leur commerce dans les territoires de l'autre, jouissant de la protection du Gouvernement sous la juridiction duquel ils se trouvent ; mais il est défendu aux bandes armées d'une part ainsi que de

l'autre de traverser les frontières du voisin sous un prétexte quelconque sans permission préalable des autorités compétentes.

II. Les frontières du Protectorat Britannique sur la Côte des Somalis, reconnues par Sa Majesté l'Empereur Ménélek, seront réglées ultérieurement par échange de notes entre James Rennell Rodd, Esquire, comme Représentant de Sa Majesté la Reine, et Ras Meconen, comme Représentant de Sa Majesté l'Empereur Ménélek, au Harrar. Ces notes seront annexées au présent Traité, dont elles formeront partie intégrale, sitôt qu'elles ont été approuvées par les Hautes Parties Contractantes. En attendant, le *statu quo* sera maintenu.

III. Il est convenu que la route des caravanes entre Zeïla et le Harrar par voie de Gildessa restera ouverte dans tout son parcours au commerce des deux nations.

IV. Sa Majesté l'Empereur d'Éthiopie de son côté accordera à la Grande-Bretagne et ses Colonies, en ce qui concerne droits de douane et impôts intérieurs, tous les avantages qu'il accordera aux sujets d'autres nations. De l'autre côté, tout matériel destiné exclusivement au service de l'État Éthiopien aura le droit de passer en Éthiopie par le port de Zeïla en franchise de douane sur demande de Sa Majesté l'Empereur.

V. Le transit de tous les engins de guerre destinés à Sa Majesté l'Empereur d'Éthiopie est autorisé à travers les territoires dépendant du Gouvernement de Sa Majesté Britannique sous les conditions prescrites par l'Acte Général de la Conférence de Bruxelles signé le 2 Juillet, 1890.*

VI. Sa Majesté Ménélek II, Roi des Rois d'Éthiopie, s'engage, vis-à-vis du Gouvernement Britannique, à empêcher de son mieux le passage à travers de son Empire des armes et munitions aux Mahdistes, qu'il déclare ennemis de son Empire.

Le présent Traité entrera en vigueur sitôt que la ratification de Sa Majesté Britannique sera notifiée à Sa Majesté l'Empereur d'Éthiopie, mais il est entendu que les prescriptions de l'Article VI seront mises en exécution à partir du jour de sa signature.

En foi de quoi Sa Majesté Ménélek II, Roi des Rois d'Éthiopie, en son propre nom, et Rennell Rodd, Esquire, pour Sa Majesté Victoria, Reine de la Grande-Bretagne et d'Irlande, Impératrice des Indes, ont signés le présent Traité, fait en deux exemplaires, écrit en Anglais et en Amharique identiquement, les deux textes étant considérées comme officiels, et y ont affixé leurs sceaux.

Fait à Adis Abbaba, le 14 Mai, 1897.

(Seal of His Majesty the Emperor Menelek II.)

Mr. Rodd to the Emperor Menelek.

YOUR MAJESTY,

Addis Abbaba, May 14, 1897.

I HAVE the honour to acknowledge the receipt of your Majesty's letter, inclosing the French translation of the Treaty which we are to sign this day in English and Amharic, and I agree, on behalf of my Government, to the proposal of your Majesty, that, in case a divergency of opinion should arise hereafter as to the correct interpretation to be given either to the English or Amharic text, the French translation, which has been agreed to on both sides as adequate, should be accepted as furnishing a solution of the matter under dispute.

In recording this assurance, I have, &c.,

RENNELL RODD.

(Traduction.)

VOTRE MAJESTÉ,

Adis Abbaba, le 14 Mai, 1897.

J'AI l'honneur d'accuser réception de la lettre de votre Majesté m'envoyant la traduction Française du Traité qui sera signé entre nous aujourd'hui en Anglais et en Amharique, et j'accepte, au nom de mon Gouvernement, la proposition de votre Majesté que, dans le cas où il y aura à l'avenir divergence d'opinion sur l'interprétation correcte à donner ou au texte Anglais ou au texte Amharique, la version Française, qui a été adoptée de part et d'autre comme suffisante, sera acceptée comme interprétant la matière en dispute.

En donnant cette assurance à votre Majesté, j'ai, &c.,

RENNELL RODD.

Annex 3.—Notes respecting the Frontier of the British Protectorate on the Somali Coast.—June 4, 1897.

Mr. Rodd to Ras Makunan.

Peace be unto you.

Harrar, June 4, 1897 (28 Genbot, 1889).

AFTER friendly discussion with your Excellency, I have understood that His Majesty the Emperor of Ethiopia will recognize as frontier of the British Protectorate on the Somali Coast the line which, starting from the sea at the point fixed in the Agreement between Great Britain and France on the 9th February, 1888,* opposite the wells of Hadou, follows the caravan-road, described in that Agreement, through Abbassouen till it reaches the hill of Somadou. From this point on the road the line is traced by the Saw mountains and the hill of Egu to Moga Medir; from Moga Medir it is traced by Eylinta Kaddo to Arran Arrhe, near the inter-

* Vol. LXXXIII, page 672.

section of latitude 44° east of Greenwich with longitude 9° north. From this point a straight line is drawn to the intersection of 47° east of Greenwich with 8° north. From here the line will follow the frontier laid down in the Anglo-Italian Protocol of the 5th May, 1894,* until it reaches the sea.

The tribes occupying either side of the line shall have the right to use the grazing-grounds on the other side, but during their migrations it is understood that they shall be subject to the jurisdiction of the territorial authority. Free access to the nearest wells is equally reserved to the tribes occupying either side of the line.

This understanding, in accordance with Article II of the Treaty signed on the 14th May, 1897 (7th Genbot, 1889), by His Majesty the Emperor Menelek and Mr. Rennell Rodd, at Addis Abbaba, must be approved by the two High Contracting Parties.

I have, &c.,

RENNELL RODD.

(Traduction.)

Salut,

Harrar, le 4 Juin, 1897 (28 Genbot, 1889).

APRÈS discussion amicale avec votre Excellence, j'ai compris que Sa Majesté l'Empereur d'Éthiopie reconnaitra comme frontière du Protectorat Britannique sur la Côte des Somalis la ligne qui, partant de la mer à l'endroit fixé par l'Accord entre la Grande-Bretagne et la France en Février 1888 vis-à-vis les puits d'Hadou, suit la route des caravanes, tracé dans cet Accord, qui passe par Abbassouen, jusqu'à la colline de Somadou. A partir de ce point sur la route la ligne est tracée par les montagnes de Saw et la colline d'Egu jusqu'à Mogar Medir; à partir de Mogar Medir elle est tracée en ligne droite par Kylinta Kaddo jusqu'à Arran Arrhe, près de l'intersection de 44 degrés est de Greenwich et 9 degrés nord. De ce point une ligne droite sera tracée jusqu'à l'intersection de 47 degrés est de Greenwich et 8 degrés nord. A partir d'ici la ligne suivra le tracé de la frontière indiqué par le Protocole Anglo-Italien du 5 Mai, 1894, jusqu'à la mer.

Les tribus habitant chaque côté de la ligne auront le droit de fréquenter les pâturages d'un côté ainsi que de l'autre; mais il est entendu que pendant leurs migrations ils seront soumises à la juridiction de l'autorité territoriale. Un accès libre aux puits les plus proches est réservé également aux habitants de chaque côté de la ligne.

Cet accord, conformément à l'Article II du Traité signé le 14 Mai, 1897 (7 Genbot, 1889), par Sa Majesté l'Empereur

Ménélek et Mr. Rennell Rodd à Adis Abbaba, doit être approuvé par les deux Hautes Parties Contractantes.

J'ai, &c.,

RENNELL RODD.

Ras Makunan to Mr. Rodd.

(Translation.)

Sent from Ras Makunan, Governor of Harrar and its dependencies :

May this reach the Honourable Mr. Rennell Rodd,
Envoy of the British Kingdom.

I INFORM you to-day that, after long friendly discussion, the boundary of the British Somali Protectorate upon which we have agreed, is as follows:—

Starting from the sea-shore opposite the wells of Hadou (as on which the French and the English Governments agreed in February 1888), it follows the caravan-road by Abbassouen till Mount Somadou; from Mount Somadou to Mount Saw; from Mount Saw to Mount Egu; from Mount Egu to Moga Medir; starting from Moga Medir, it goes in a direct line to Eyluta Kaddo and Arran Arrhe on 44° east of Greenwich and 9° north, and again in a direct line until 47° east and 8° north. After this the boundary follows the line on which the English and the Italians agreed on the 5th May, 1894, until the sea.

The subjects of both the Contracting Parties are at liberty to cross their frontiers and graze their cattle; but these people, in every place where they go, must obey the Governor of the country in which they are, and the wells which are in the neighbourhood shall remain open for the two parties.

These two letters on which we have agreed, according to Article II of the Treaty of His Majesty the Emperor of Ethiopia and Mr. Rennell Rodd of the 7th Genbot, 1889 (14th May, 1897), the two Sovereigns having seen them, if they approve them, shall be sealed again (ratified).

Written at Harrar, the 28th Genbot, 1889 (4th June, 1897).

RAS MAKUNAN.

Ratification of Treaty.

*Mr. Rodd to the Emperor Menelek II.**Cairo, August 30, 1897.*

From Mr. Rennell Rodd, Special Envoy of Her Majesty Queen Victoria, to His Majesty Menelek II, by the grace of God King of Kings of Ethiopia.

Peace be unto your Majesty.

I HAVE the honour to announce that the Queen, my gracious Sovereign, has been pleased to approve and ratify the Treaty which I had the honour to sign with your Majesty on the 14th May last.

Her Majesty has also been pleased to approve of the arrangement which, in accordance with the terms of Article II of the Treaty, was agreed upon between Ras Makunan, as Representative of your Majesty, and myself by exchange of notes relative to the frontier of the British Protectorate on the Somali Coast; and it is presumed by Her Majesty's Government that your Majesty has also approved of it, as they have received no notification to the contrary.

The notes exchanged have accordingly been annexed to the Treaty which has received ratification, signifying Her Majesty's approval of all these documents.

I have now the honour to return herewith the copy of the Treaty intrusted to me by your Majesty, with its ratification in due form.

When I shall have received from your Majesty a letter signifying that this Treaty, thus ratified and approved, has come safely to your Majesty's hands, it will be made public by the Government of the Queen, that all her subjects may observe it and abide by it, and that it may strengthen the ties of friendship between our countries, and increase the feelings of esteem and good-will towards your Majesty which the reception of the British Mission in Ethiopia has awakened in my country.

I pray that your Majesty's life and health may long be preserved, and that your people may have peace and prosperity.

RENNELL RODD.

The Emperor Menelek to the Queen.

(Translation.)

Menelek II, Elect of God, King of Kings of Ethiopia, to Her Most Gracious Majesty Queen Victoria, Queen of Great Britain and Ireland and Empress of India, Upholder and Keeper of the Christian Religion.

May peace be unto you.

YOUR Majesty's letters of the 28th Hamlé (3rd August) and 22nd (23rd) Mascarem (1st (2nd) October, 1897), and the Treaty with the Great Seal, dated the 28th Hamlé (3rd August), 1897, have reached me, and we received it with joy. The Treaty of Peace which is now between your Government and our Government, we hope it will ever increase in firmness and last for ever.

We ask God to give your Majesty health, and to your kingdom quietness and peace.

Written at Addis Abbaba, the 8th December, 1897, A.D.

(Seal of His Majesty the Emperor Menelek II).

CONVENTION between Great Britain and France, relative to Tunis.—Signed at Paris, September 18, 1897.

[Ratifications exchanged at Paris, October 15, 1897.]

WITH a view to determine the relations of the United Kingdom of Great Britain and Ireland and France in the Regency of Tunis, and to clearly define the position as established by Convention of the aforesaid United Kingdom in the Regency, the Undersigned, duly authorized by their respective Governments, have agreed as follows:—

ART. I. The Treaties and Conventions of every kind in force between the United Kingdom of Great Britain and Ireland and France are extended to the Regency of Tunis.

EN vue de déterminer les rapports du Royaume-Uni de la Grande-Bretagne et d'Irlande et de la France en Tunisie, et de bien préciser la situation conventionnelle du dit Royaume-Uni dans la Régence, les Sous-signés, dûment autorisés par leurs Gouvernements respectifs, sont convenus de ce qui suit:—

ART. I. Les Traités et Conventions de toute nature en vigueur entre le Royaume-Uni de la Grande-Bretagne et d'Irlande et la France sont étendus à la Tunisie.

The Government of Her Britannic Majesty will abstain from claiming for its Consuls, its subjects, and its establishments in the Regency of Tunis other rights and privileges than those secured for it in France.

Moreover, the treatment of the most favoured nation, which is secured on either side by the afore-mentioned Treaties and Conventions, and the reciprocal enjoyment of the lowest Customs Tariff are guaranteed to the United Kingdom of Great Britain and Ireland in the Regency of Tunis and to the Regency of Tunis in the United Kingdom for a period of forty years from the date of the exchange of ratifications of the present Agreement.

All merchandize and all manufactured goods, the produce of the United Kingdom, imported into the Regency of Tunis, either directly, or after transshipment at Malta, shall enjoy the advantages conceded by the present Article.

It is further understood that the treatment of the most favoured nation in the Regency of Tunis does not comprise the treatment enjoyed by France.

II. Cotton goods, the produce of the United Kingdom and of British Colonies and possessions, shall not be subject in the Regency of Tunis to import duties higher than 5 per cent. *ad valorem* at the port of discharge. They shall not be charged with any other tax or impost whatsoever.

Le Gouvernement de Sa Majesté Britannique s'abstiendra de réclamer pour ses Consuls, ses ressortissants, et ses établissements en Tunisie d'autres droits et privilèges que ceux qui lui sont acquis en France.

En outre, le traitement de la nation la plus favorisée, qui est assuré de part et d'autre par les Traités et Conventions précitées, et la jouissance réciproque des Tarifs de Douane les plus réduits, sont garantis au Royaume-Uni de la Grande-Bretagne et d'Irlande en Tunisie et à la Tunisie dans le Royaume-Uni pendant une durée de quarante années à partir de l'échange des ratifications du présent Arrangement.

Toutes les marchandises et tous les produits manufacturés, originaires du Royaume-Uni, importés en Tunisie, soit par la voie directe, soit après transbordement à Malte, jouiront des avantages concédés par le présent Article.

Il est, d'ailleurs, entendu que le traitement de la nation la plus favorisée en Tunisie ne comprend pas le traitement Français.

II. Les cotonnades originaires du Royaume-Uni et des Colonies et possessions Britanniques ne pourront pas être frappées en Tunisie de droits d'importation supérieurs à 5 pour cent de leur valeur au port de débarquement. Elles ne seront pas grevées d'autres taxes ou impôts quelconques.

This provision shall remain in force until the 31st December, 1912, and, after that date, until the expiration of six months from the day on which one of the Contracting Parties shall have notified to the other its intention of terminating its operation.

III. The present Agreement shall be ratified, and the ratifications thereof shall be exchanged at Paris as soon as possible.

It shall come into force immediately after the exchange of ratifications.

The existing Customs Tariff on imports into the Regency of Tunis shall, however, continue to be applied until the 31st December, 1897.

Done at Paris, in duplicate, the 18th September, 1897.

(L.S.) EDMUND MONSON.
(L.S.) G. HANOTAUX.

Cette disposition restera en vigueur jusqu'au 31 Décembre, 1912, et, après cette date, jusqu'à l'expiration du sixième mois à partir du jour où l'une des Parties Contractantes aura notifié à l'autre son intention d'en faire cesser les effets.

III. Le présent Arrangement sera ratifié, et les ratifications en seront échangées à Paris aussitôt que faire se pourra.

Il entrera en vigueur immédiatement après l'échange des ratifications.

Toutefois, le Tarif actuel des douanes à l'importation en Tunisie continuera à être appliqué jusqu'au 31 Décembre, 1897.

Fait à Paris, en double exemplaire, le 18 Septembre, 1897.

(L.S.) EDMUND MONSON.
(L.S.) G. HANOTAUX.

*CONVENTION between Great Britain and France, for the Exchange of Postal Parcels between India and France.—Signed at Paris, December 1, 1897.**

[Ratifications exchanged at Paris, January 8, 1898.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the President of the French Republic, wishing to establish a service for the exchange of postal parcels between British India and France upon the basis of the International Convention of Vienna of the 4th July, 1891,† have resolved to conclude a Convention for this purpose, and have appointed as their Plenipotentiaries, that is to say :

* Signed also in the French language.

† Vol. LXXXIII, page 976.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, his Excellency Sir Edmund Monson, Her Ambassador Extraordinary and Plenipotentiary to the President of the French Republic; and

The President of the French Republic, his Excellency M. Gabriel Hanotaux, Minister for Foreign Affairs;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following provisions:—

ART. I.—1. Uninsured parcels may be forwarded under the denomination of postal parcels, viz.:

From France and Algeria for British India up to the weight of 5 kilog.;

From British India for France and Algeria up to the weight of 11 lb. avoirdupois.

2. The Postal Administrations of the two countries, if their respective regulations permit, may fix by mutual consent the rates and conditions applicable to insured or value payable parcels.

II. The Postal Administrations of British India and France shall provide for the transmission of parcels between the two countries by means of the services at their disposal.

III.—1. For each parcel forwarded from France or Algeria to British India the Postal Administration of France pays to that of British India, viz.:

(1.) A land rate of 1 fr. 75 c.;

(2.) Also a sea rate of 1 fr. and 50 c. if the parcel is forwarded via Italy and by British mail-steamer starting from Brindisi, or a sea rate of 2 fr. if the parcel is forwarded by British steamer from Marseilles;

(3.) A delivery rate not exceeding 25 c.

For each parcel forwarded from British India to France or Algeria the Indian Postal Administration pays to the French Administration, viz.:

(1.) A land rate of 50 centimes;

(2.) Also a sea rate of 2 fr. if the parcel is forwarded by French mail-steamer;

(3.) A delivery rate not exceeding 25 centimes;

(4.) A stamp duty of 10 centimes.

2. The cost of transit across Italy, when necessary, is borne by the dispatching Postal Administration.

IV. The prepayment of postal parcels is compulsory.

V. The conveyance between Continental France on the one hand, and Algeria and Corsica on the other, gives rise to a surcharge of 25 centimes a parcel, as a sea rate to be levied from the sender.

Parcels addressed to Corsica or Algeria give rise to a land surcharge of 25 centimes a parcel, to be paid by the sender.

A similar surcharge of 25 centimes is also levied from the sender in the case of parcels originating in the interior of Corsica or Algeria.

These surcharges, when collected, are credited by the Indian Administration to the French Administration.

The French Government reserves to itself the right to levy a surcharge of 25 centimes in the case of postal parcels exchanged between British India and Continental France.

VI. The parcels to which the present Convention applies cannot be subjected to any postal charge other than those contemplated by the foregoing Articles III and V and by Article VII following.

VII. The redirection of postal parcels from one country to the other, in consequence of the removal of the addressees, as well as the return of undelivered postal parcels, gives rise to an additional levy of the charges fixed by Articles III and V from the addressees or the senders, as the case may be, without prejudice to the repayment of the customs or other duties that may have been paid.

VIII. It is forbidden to send by post parcels containing letters or notes having the character of correspondence, or articles the admission of which is not authorized by the Customs or other laws or regulations.

IX.—1. Except in the case of *vis major*, when a postal parcel has been lost, stolen, or damaged, the sender, and in default of, or at the request of, the sender, the addressee, is entitled to compensation equal to the actual amount of the loss or damage: provided always that this compensation may not exceed in the case of any uninsured parcel 25 fr.

The sender of a lost parcel has, moreover, the right to a refund of the postage.

2. The duty of paying compensation rests with the Administration to which the dispatching office is subordinate. This Administration has its remedy against the corresponding Administration when the loss, theft, or damage occurred on the territory or in the service of this latter Administration.

3. Until the contrary be proved, the responsibility rests with the Administration which, having received the parcel without making any remarks, cannot prove the delivery to the addressee, or if such be the case, the return of the parcel.

4. The payment of compensation by the dispatching office ought to take place as soon as possible, and at the latest within a year of the date of the application. The responsible office is bound

to refund to the dispatching office, without delay, the amount of compensation paid by the latter.

5. It is understood that the application for compensation will only be entertained if made within a year of the posting of the parcel; after the lapse of this period the applicant has no right to any compensation.

6. If the loss, damage, or theft occurred in course of conveyance between the offices of exchange of the two countries, without its being possible to determine in which of the two services it took place, the two Administrations concerned bear each a half of the loss.

7. The Administrations cease to be responsible for postal parcels of which the owners have accepted delivery.

X. The internal legislation of each of the contracting countries remains applicable as regards everything not provided for by the stipulations contained in the present Convention.

XI. The Postal Administrations of the two contracting countries name the offices or places which they admit to the exchange of postal parcels between the two countries; they regulate the mode of transmission of these parcels, and settle all other matters of detail and order necessary for the proper carrying out of the present Convention.

XII. The Postal Administrations of British India and France shall fix by mutual consent, in accordance with the procedure laid down by the Vienna Convention of the 4th July, 1891, the conditions under which there may be exchanged between their respective offices of exchange postal parcels originating in, or addressed to, foreign countries and especially Persia, and sent in transit through one or the other country.

XIII. As soon as this is allowed by the internal regulations of British India, the system of certificates of delivery in force between countries that are parties to the Vienna Convention of the 4th July, 1891, shall be extended by mutual consent, by the Administrations of the two Contracting Parties, to the parcels addressed from one of the two States to the other.

XIV. The French Government has the right to have the clauses of this Convention put into effect on contract lines by railway and by water. It may at the same time restrict the service to parcels originating in, or addressed to, places served by these lines.

The French Postal Administration will arrange with these contract services for the complete carrying out of the above clauses of the Convention, and for the organization of the parcel exchange.

It will also act as the intermediary in all matters affecting them and the Postal Administration of British India.

XV.—1. The present Convention, after having been published according to the special laws of each of the two States, shall be brought into force on a date to be agreed upon by the Postal Administrations of the two countries.

2. It shall remain in force until one of the two Contracting Parties shall have given notice to the other, one year in advance, of its intention to terminate it.

XVI. The present Convention will be ratified, and the ratifications will be exchanged at Paris as soon as possible.

In witness whereof the Undersigned, duly authorized for that purpose, have signed the present Convention, and have affixed thereto their seals.

Done in duplicate at Paris, the 1st December, 1897.

(L.S.) EDMUND MONSON.

(L.S.) G. HANOTAUX.

*CONVENTION between Great Britain and France, for the Exchange of Postal Parcels between Australia and France.—Signed at Paris, December 1, 1897.**

[Ratifications exchanged at Paris, January 25, 1898.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the President of the French Republic, wishing to establish between Australia and France a service of exchange of uninsured postal parcels on the basis of the International Convention of the 4th July, 1891,† have determined upon signing a Convention to that effect, and have named as their Plenipotentiaries for this purpose, namely:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, his Excellency Sir Edmund Monson, Her Ambassador Extraordinary and Plenipotentiary to the President of the French Republic; and

The President of the French Republic, his Excellency M. Gabriel Hanotaux, Minister for Foreign Affairs of the French Republic;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following provisions:—

* Signed also in the French language.

† Vol. LXXXIII, page 976.

ART. I.—1. Uninsured parcels may be forwarded under the denomination of postal parcels, viz. :

From France and Algeria for Australia up to the weight of 5 kilog. ;

From Australia for France and Algeria up to the weight of 11 lb. avoirdupois.

2. The Postal Administrations of the two countries may hereafter, if their respective regulations permit, agree upon the fees and conditions applicable to insured parcels, and parcels the value of which is to be collected on delivery.

II. The Postal Administrations of Australia and France will provide the sea conveyance between the two countries by the means at their disposal.

III. For each parcel forwarded from France or Algeria addressed to Australia, the Postal Administration of France pays to that of Australia—

1. An inland postage of 2 fr. 50 c. for parcels not weighing more than 3 kilog., and 3 fr. 70 c. for parcels weighing from 3 to 5 kilog. ;

2. In addition, a sea postage calculated according to the rules laid down by Article III of the International Convention of the 4th July, 1891.

Nevertheless, the French Administration shall receive the benefit of every reduction of postage, both inland and sea, which may be granted by Australia to another Administration.

For each parcel not weighing more than 5 kilog., dispatched from Australia addressed to France or Algeria, the Australian Administrations shall pay to the French Administration :—

(1.) An inland postage of 50 centimes ;

(2.) In addition, a sea postage of 3 fr., if the conveyance takes place by means of the French mail packets.

IV. The repayment of postal parcels shall be compulsory.

V.—1. The conveyance between Continental France, on the one hand, and Algeria and Corsica on the other, shall give rise to a surcharge of 25 centimes per parcel, as a sea rate to be levied from the sender.

Parcels addressed to Corsica and Algeria shall give rise to a surcharge of 25 centimes per parcel, which is to be paid by the sender.

This surcharge of 25 centimes shall also be collected from the sender of each parcel, originating in the interior of Corsica and Algeria.

These surcharges shall, when necessary, be credited by the Australian Administrations to the French Administration.

2. The French Government reserves to itself the right to levy a

surcharge of 25 centimes in the case of parcels exchanged between Australia and Continental France.

VI. The country of destination may collect from the addressee a fee for delivery and customs formalities not to exceed 25 centimes for each parcel.

VII. The parcels to which the present Convention applies cannot be subjected to any postal charge other than those contemplated by the foregoing Articles III, V, and VI, and by Article VIII following.

VIII. The redirection of parcels from one country to the other, in consequence of the removal of the addressees as well as the return of undelivered parcels, shall give rise to a supplementary charge of the taxes fixed by Articles III, V, and VI, against the addressees or the senders, as the case may be, without prejudice to the reimbursement of the customs or other duties paid.

IX. It is forbidden to send by post parcels containing letters or notes having the character of correspondence, or articles the admission of which is not authorized by the Customs or other laws or regulations.

X.—1. In all cases of loss, damage, or abstraction, except such as are beyond control, the sender and, in default or at the request of the sender, the addressee, shall be entitled to an indemnity corresponding with the actual amount of the loss or damage: provided always that this indemnity may not exceed 25 fr. or 15 fr., according as the weight of the parcel exceeds or does not exceed 3 kilog. The sender of a lost parcel shall also have the right to have the postage refunded.

2. The obligation of paying the indemnity shall rest with the Administration to which the dispatching office is subordinate. To that Administration shall be reserved a remedy against the corresponding Administration when the loss, abstraction, or damage occurred on the territory or in the service of this latter Administration.

3. Until the contrary be proved, the responsibility shall rest with the Administration which, having received the parcel without making any observation, cannot prove the delivery to the addressee, or, if such be the case, the redirection of the parcel.

4. The payment of the indemnity by the dispatching office ought to take place as soon as possible, and at the latest within a year of the date of the application. The responsible office shall be bound to refund to the dispatching office without delay the amount of the indemnity paid by the latter.

5. It is understood that the application for an indemnity will only be entertained if made within a year of the posting of the parcel; after this term the applicant shall have no right to any indemnity.

6. If the loss, damage, or abstraction shall have occurred in course of conveyance between the exchanging offices of the two countries, without its being possible to establish in which of the two services it took place, the two Administrations concerned shall bear each a half of the loss.

7. The Administrations will cease to be responsible for parcels of which the owners have accepted delivery.

XI. The internal legislation of each of the contracting countries shall remain applicable as regards everything not provided for by the stipulations contained in the present Convention.

XII. The Postal Administrations of the two contracting countries shall indicate the offices or localities which they admit to the international exchange of parcels; they shall regulate the mode of transmission of these parcels, and fix all other measures of detail and order necessary for insuring the performance of the present Convention.

XIII. The Postal Administrations of Australia and France shall fix, by common consent, in accordance with the procedure laid down by the Convention of Vienna of the 4th July, 1891, the conditions under which there may be exchanged between their respective offices of exchange parcels originating in or addressed to foreign countries and sent in transit through one or the other country.

XIV. As soon as the internal regulations of Australia admit of it, the system of acknowledgments of receipt in force between countries participating in the Convention of Vienna of the 4th July, 1891, shall be extended by mutual consent by the Administrations of the two Contracting Parties, to the parcels addressed from one of the two States to the other.

XV. The French Government reserves to itself the right to have the clauses of this Convention executed by means of the railway and navigation enterprises. It may at the same time limit the service to parcels originating in or addressed to places served by those undertakings.

The French Postal Administration will come to an understanding with the railway and navigation enterprises in order to insure the complete execution by the latter of this Convention in all clauses, and for the organization of the service of exchange.

It will also act as the intermediary for all communications between those enterprises and the Postal Administrations of Australia.

XVI.—1. The present Convention, after having been promulgated according to the special laws of each of the two States, shall come into operation on a date to be agreed upon by the Postal Administrations of the two countries.

2. It shall remain in force until one of the two Contracting

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Parties shall have given notice to the other, one year in advance, of its intention to terminate it.

XVII. The present Convention shall be ratified, and the ratifications shall be exchanged at Paris as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto their seals.

Done at Paris, in duplicate, the 1st December, 1897.

(L.S.) EDMUND MONSON.

(L.S.) G. HANOTAUX.

PROTOCOL between Great Britain, Germany, and Spain, explanatory of Article IV of the Protocol of March 7, 1885, respecting the Importation of Fire-arms, Munitions of War, and Alcohol into the Sulu Archipelago.—Signed at Madrid, March 30, 1897.

LES Soussignés, son Excellence Sir Henry Drummond Wolff, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique ;

Son Excellence Don Carlos O'Donell y Abreu, Duc de Tetuan, Ministre d'État de Sa Majesté le Roi d'Espagne ; et

Le Sieur Eméric, Comte d'Arco-Valley, Chargé d'Affaires, *ad interim*, d'Allemagne ;

Dûment autorisés pour se mettre d'accord sur la valeur et l'interprétation des dispositions de l'Article IV du Protocole de Sulu (Joló) du 7 Mars, 1885,* sont convenus de ce qui suit, à savoir :—

La formule générale employée dans la rédaction du dit Article n'est pas applicable au cas où les autorités Espagnoles défendraient en général et sans aucune exception l'importation dans l'Archipel susmentionné des armes à feu, des munitions de guerre et des alcools.

Dans le cas où le Gouvernement Espagnol décréterait la prohibition d'importer les armes à feu, les munitions de guerre, et les alcools dans l'Archipel de Sulu (Joló), cette défense sera publiée dans les journaux officiels de Madrid et de Manille. Elle sera notifiée aux Gouvernements de la Grande-Bretagne et de l'Allemagne au moyen de notes officielles.

Il est entendu que la dite prohibition ne s'appliquera pas aux

* Vol. LXXVI, page 58.

marchandises qui se trouveraient en route au moment de la publication du Décret respectif, et que le Protocole du 7 Mars, 1885, sera maintenu dans toutes ses parties simultanément avec le présent éclaircissement.

Fait à Madrid, en triple original, le 30 Mars, 1897.

(L.S.) H. DRUMMOND WOLFF.

(L.S.) EL DUQUE DE TETUAN.

(L.S.) GRAF ARCO.

PROTOCOL between Great Britain and Japan, respecting Patents, Trade-marks, and Designs. — Signed at London, October 20, 1897.

WHEREAS, by Treaty, Her Britannic Majesty has jurisdiction in relation to her subjects within the dominions of His Majesty the Emperor of Japan ;

Whereas, by Article XVII of a Treaty signed between Great Britain and Japan on the 16th July, 1894,* it is stipulated as follows : "The subjects of each of the High Contracting Parties shall enjoy in the dominions and the possessions of the other the same protection as native subjects in regard to patents, trade-marks, and designs, upon fulfilment of the formalities prescribed by law ;"

Whereas, by Article XX of the same Treaty, it is agreed that, from the date on which such Treaty comes into force, the jurisdiction then exercised by British Courts in Japan shall cease, and that such jurisdiction shall be assumed and exercised by Japanese Courts ;

And whereas it has been agreed between the Governments of Great Britain and Japan that the provisions of the above-mentioned Article XVII shall come into force at once ;

The Undersigned, duly authorized for that purpose by their respective Governments, have agreed upon the following Articles :—

ART. I. Her Britannic Majesty consents to renounce all extra-territorial jurisdiction at present exercisable by British Courts in Japan for the judicial hearing and determination of matters in difference between British subjects and subjects of His Majesty the Emperor of Japan, or for the repression of crimes or offences committed by British subjects, in so far as it applies to the protection of patents, trade-marks, and designs.

* Vol. LXXXVI, page 39.

II. The foregoing Article shall not take effect until all other Powers which enjoy similar benefits to those conferred by Article XVII of the Treaty between Great Britain and Japan of the 16th July, 1894, and which possess extra-territorial jurisdiction in Japan, shall similarly have renounced their right to exercise such jurisdiction between their own subjects or citizens respectively, and subjects of His Majesty the Emperor of Japan, as well as for the repression of crimes or offences committed by their own subjects or citizens respectively, in so far as it applies to the protection of patents, trade-marks, and designs.

In witness whereof the Undersigned have signed the above Protocol, and have affixed thereto the seal of their arms.

Done at London, the 20th day of October, 1897.

(L.S.) SALISBURY.

(L.S.) KATO.

*CONVENTION between Great Britain and Mexico, supplementary to the Parcel Post Convention of the 15th February, 1889.—Signed at Mexico, February 25, 1897.**

IN view of the second paragraph of Article XVIII of the Convention of the 15th February, 1889,† which provides that the Contracting Parties may, by mutual consent, introduce into the Convention modifications which are not opposed to its spirit, and which are obviously useful, or may be proved to be so by experience, the Undersigned, Sir Henry Nevill Dering, a Baronet of England, a Companion of the Most Honourable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary in Mexico, &c., and Ignacio Mariscal, Secretary of State and of the Department of Foreign Relations of the United States of Mexico, duly authorized to that effect by their respective Governments, have agreed as follows:—

ART. I. The text of Article IV of the Convention of the 15th February, 1889, shall be replaced by the following:

1. The postage to be collected in the United Kingdom on parcels for Mexico shall be:

			s.	d.
For parcels weighing not more than 3 lb.	..	..	1	0
More than 3 lb., but not more than 7 lb.	..	..	2	6
More than 7 lb., but not more than 11 lb.	..	..	3	6

* Signed also in the Spanish language.

† Vol. LXXXI, page 23.

2. The postage to be collected in Mexico on parcels for the United Kingdom shall be:

			Cents.
For parcels weighing not more than 1 kilog.	..	..	24
More than 1 kilog., but not more than 3 kilog.	..	..	60
More than 3 kilog., but not more than 5 kilog.	..	..	84

3. The Post Office of the country of destination may, at its option, collect from the addressees, for the delivery of the parcels and for the fulfilment of customs formalities, a charge not exceeding 5 cents, or 2½d., for each parcel.

II.—1. The present Articles shall form an integral part of the Convention above referred to, and shall have the same force and duration.

2. They shall come into operation on a date to be agreed upon by the Post Offices of the two countries.

In witness whereof the Undersigned have signed the present supplementary Convention, and have affixed thereto their seals, in Mexico, on the 25th February, 1897.

(L.S.) HENRY NEVILL DERING.

(L.S.) IGNO. MARISCAL.

*ADDITIONAL ARTICLE to the Boundary Treaty between Great Britain and Mexico of July 8, 1893 (Navigation of Territorial Waters).—Signed at Mexico, April 7, 1897.**

THE High Contracting Parties to the Treaty between Great Britain and Mexico respecting the boundary between Mexico and British Honduras, which was signed on the 8th July, 1893,† being desirous of assuring in perpetuity to vessels of the merchant navy of the United States of Mexico the free navigation of the territorial waters of British Honduras by the Strait which opens to the south of Ambergris Cay, otherwise known as the Island of San Pedro, have with that object named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Henry Nevill Dering, a Baronet of England, a Companion of the Most Honourable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary in Mexico, &c.;

* Signed also in the Spanish language.

† Vol. LXXXV, page 58.

And the President of the United States of Mexico, Señor Licenciado Don Ignacio Mariscal, Secretary of State and of the Department of Foreign Relations ;

Who, having exhibited their respective full powers, found in good and due form, have agreed on the following Additional Article to the said Treaty :—

Article III *bis*. Her Britannic Majesty guarantees to Mexican merchant-vessels, in perpetuity, the absolute liberty, as at present enjoyed, of navigating the Strait opening to the south of Ambergris Cay, otherwise known as the Island of San Pedro, between this Cay and the mainland, as well as of navigating the territorial waters of British Honduras.

In witness whereof the Undersigned have signed the present complementary Convention, and have affixed thereto their seals, in Mexico, on the 7th day of April, 1897.

(L.S.) HENRY NEVILL DERING.

(L.S.) IGNO. MARISCAL.

ACCESSION of the Orange Free State to the Red Cross Convention signed at Geneva, August 22, 1864.—September 28, 1897.

M. Bourcart to the Marquess of Salisbury.—(Received October 13.)

*Légation de Suisse, Londres,
le 11 Octobre, 1897.*

M. LE MARQUIS,

LE 28 Septembre dernier M. le Dr. Hendrik P. N. Muller van Rijckevorsel, Consul-Général de l'État Libre d'Orange à La Haye, a remis au Conseil Fédéral, au nom de son Gouvernement, l'Acte d'Accession de cet État à la Convention conclue à Genève le 22 Août, 1864,* pour l'amélioration du sort des blessés dans les armées en campagne (Croix-Rouge).

Par la présente j'ai l'honneur de porter cette adhésion à la connaissance de votre Seigneurie, et je saisis cette occasion pour vous renouveler, &c.

Le Marquis de Salisbury.

C. D. BOURCART.

* Vol. LV, page 43.

ACCESSION of Roumania to the International Sanitary Convention signed at Dresden, April 15, 1893.—April 3, 1897.

No. 1.—Count Hatzfeldt to the Marquess of Salisbury.—(Received May 6.)

(Translation.)

MY LORD,

German Embassy, London, May 1, 1897.

I HAVE the honour to transmit to your Excellency, for your information, a copy of a note from the Roumanian Minister at Berlin, dated the 8th ultimo, stating, in accordance with instructions from his Government, that Roumania accedes to the International Dresden Sanitary Convention.*

In accordance with instructions received, I have the honour to request your Excellency to inform me whether Her Majesty's Government have any objection to Roumania becoming a party to the Dresden Sanitary Convention.

The Imperial Government have addressed a similar inquiry to the other States concerned, and will not fail to inform Her Majesty's Government of the result of their inquiries.

I avail, &c.

The Marquess of Salisbury.

P. HATZFELDT.

(Inclosure 1.)—M. Beldiman to Baron von Marschall.

M. LE BARON,

*Berlin, le 27 Mars
8 Avril, 1897.*

M. LE MINISTRE des Affaires Étrangères de Roumanie m'a chargé d'informer votre Excellence que le Gouvernement Royal a décidé d'adhérer à la Convention Sanitaire Internationale conclue à Dresde le 15^e Avril, 1893.

Sa Majesté le Roi, mon auguste Souverain, ayant autorisé M. Aurelian, Président du Conseil et Ministre *ad interim* des Affaires Étrangères, de notifier au Gouvernement Impérial Allemand l'adhésion de la Roumanie à la dite Convention, j'ai l'honneur de transmettre à cet effet à votre Excellence la Déclaration ci-jointe en original, avec prière de vouloir bien la communiquer aux Hautes Parties Contractantes, Signataires de la Convention Internationale en question.

Je saisis, &c.,

Baron von Marschall.

A. BELDIMAN

(Inclosure 2.)—*Declaration of Adhesion to the International Dresden Sanitary Convention.*

SUR les ordres de Sa Majesté le Roi de Roumanie, le Soussigné, Président du Conseil et Ministre *ad interim* des Affaires Étrangères, adhère, au nom du Gouvernement Roumain, à la Convention Internationale Sanitaire conclue à Dresde en date du 1^{er} Avril, 1893.

En foi de quoi le Soussigné a muni de sa signature la présente Déclaration et y a fait apposer le sceau du Ministère Royal des Affaires Étrangères.

Fait à Bucharest, le 31 Mars
3 Avril, 1897.

(L.S.) AURELIAN.

No 2.—The Marquess of Salisbury to Count Hatzfeldt.

YOUR EXCELLENCY,

Foreign Office, May 19, 1897.

I HAVE the honour to acknowledge the receipt of your note of the 1st instant, forwarding copy of a note from the Roumanian Minister at Berlin notifying the accession of Roumania to the Dresden International Sanitary Convention, and I have to inform your Excellency, in reply, that Her Majesty's Government see no objection to the proposed step.

I have, &c.,

Count Hatzfeldt.

SALISBURY.

No. 3.—Count Hatzfeldt to the Marquess of Salisbury.—(Received September 24.)

(Translation.)

MY LORD,

German Embassy, London, September 22, 1897.

IN accordance with my instructions I have the honour to inform your Lordship that none of the Powers who took part in the Dresden Sanitary Convention have raised objections to the accession of Roumania to that Instrument, and that the Roumanian Minister at Berlin has been informed accordingly by a note from the Imperial Government dated the 17th instant.

I have, &c.,

The Marquess of Salisbury.

P. HATZFELDT.

TREATY between Great Britain and the United States of Venezuela, respecting the Settlement of the Boundary between the Colony of British Guiana and the United States of Venezuela.—Signed at Washington, February 2, 1897.

[Ratifications exchanged at Washington, June 14, 1897.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of Venezuela, being desirous to provide for an amicable settlement of the question which has arisen between their respective Governments concerning the boundary between the Colony of British Guiana and the United States of Venezuela, have resolved to submit to arbitration the question involved, and to the end of concluding a Treaty for that purpose have appointed as their respective Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Julian Pauncefote, a Member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath and of the Most Distinguished Order of St. Michael and St. George, and Her Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

And the President of the United States of Venezuela, Señor José Andrade, Envoy Extraordinary and Minister

Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda y los Estados Unidos de Venezuela, deseando estipular el arreglo amistoso de la cuestión que se ha suscitado entre sus respectivos Gobiernos acerca del límite de la Colonia de la Guayana Británica y los Estados Unidos de Venezuela, han resuelto someter dicha cuestión á arbitramento, y á fin de concluir con ese objeto un Tratado, han elegido por sus respectivos Plenipotenciarios:

Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda al Muy Honorable Sir Julian Pauncefote, Miembro del Muy Honorable Consejo Privado de Su Majestad, Caballero Gran Cruz de la Muy Honorable Orden del Baño y de la Muy Distinguida Orden de San Miguel y San Jorge, y Embajador Extraordinario y Plenipotenciario de Su Majestad en los Estados Unidos;

Y el Presidente de los Estados Unidos de Venezuela, al Señor José Andrade, Enviado Extraordinario y Ministro Pleni-

Plenipotentiary of Venezuela to the United States of America ;

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles :—

ART. I. An Arbitral Tribunal shall be immediately appointed to determine the boundary-line between the Colony of British Guiana and the United States of Venezuela.

II. The Tribunal shall consist of five Jurists: two on the part of Great Britain, nominated by the members of the Judicial Committee of Her Majesty's Privy Council, namely, the Right Honourable Baron Herschell, Knight Grand Cross of the Most Honourable Order of the Bath, and the Honourable Sir Richard Henn Collins, Knight, one of the Justices of Her Britannic Majesty's Supreme Court of Judicature; two on the part of Venezuela, nominated, one by the President of the United States of Venezuela, namely, the Honourable Melville Weston Fuller, Chief Justice of the United States of America, and one nominated by the Justices of the Supreme Court of the United States of America, namely, the Honourable David Josiah Brewer, a Justice of the Supreme Court of the United States of America; and of a fifth Jurist to be selected by the four persons so nominated, or in the event of their failure to agree within

potenciario de Venezuela en los Estados Unidos de América ;

Quienes, habiéndose comunicado sus respectivos plenos poderes, que fueron hallados en propia y debida forma, han acordado y concluido los Artículos siguientes :—

ART. I. Se nombrará inmediatamente un Tribunal Arbitral para determinar la línea divisoria entre la Colonia de la Guayana Británica y los Estados Unidos de Venezuela.

II. El Tribunal se compondrá de cinco Juristas: dos de parte de la Gran Bretaña nombrados por los miembros de la Comisión Judicial del Consejo Privado de Su Majestad, á saber, el Muy Honorable Barón Herschell, Caballero Gran Cruz de la Muy Honorable Orden del Baño, y el Honorable Sir Richard Henn Collins, Caballero, uno de los Justicias de la Corte Suprema de Judicatura de Su Majestad; dos de parte de Venezuela, nombrados, uno por el Presidente de los Estados Unidos de Venezuela, á saber, el Honorable Melville Weston Fuller, Justicia Mayor de los Estados Unidos de América, y uno por los Justicias de la Corte Suprema de los Estados Unidos de América, á saber, el Honorable David Josiah Brewer, Justicia de la Corte Suprema de los Estados Unidos de América; y de un quinto Jurista, que será elegido por las cuatro personas así nombrados, ó, en el evento de no lograr ellas acordarse en la designación dentro de los tres

three months from the date of the exchange of ratifications of the present Treaty, to be selected by His Majesty the King of Sweden and Norway. The Jurist so selected shall be President of the Tribunal.

In case of the death, absence, or incapacity to serve of any of the four Arbitrators above named, or in the event of any such Arbitrator omitting or declining or ceasing to act as such, another Jurist of repute shall be forthwith substituted in his place. If such vacancy shall occur among those nominated on the part of Great Britain, the substitute shall be appointed by the members for the time being of the Judicial Committee of Her Majesty's Privy Council, acting by a majority, and if among those nominated on the part of Venezuela, he shall be appointed by the Justices of the Supreme Court of the United States, acting by a majority. If such vacancy shall occur in the case of the fifth Arbitrator, a substitute shall be selected in the manner herein provided for with regard to the original appointment.

III. The Tribunal shall investigate and ascertain the extent of the territories belonging to, or that might lawfully be claimed by, the United Netherlands or by the Kingdom of Spain respectively at the time of the acquisition by Great Britain of the Colony of British Guiana, and shall determine the boundary-

meses contados desde la fecha del canje de las ratificaciones del presente Tratado, por Su Majestad el Rey de Suecia y Noruega. El Jurista á quien así se elija será Presidente del Tribunal.

En caso de muerte, ausencia ó incapacidad para servir de cualquiera de los cuatro Arbitros arriba mencionados, ó en el evento de que alguno de ellos no llegue á ejercer las funciones de tal por omisión, renuncia ó cesación, se substituirá inmediatamente por otro Jurista de reputación. Si tal vacante ocurre entre los nombrados por parte de la Gran Bretaña, elegirán al sustituto, por mayoría, los que fueren entonces miembros de la Comisión Judicial del Consejo Privado de Su Majestad; y si ocurriere entre los nombrados por parte de Venezuela, el sustituto será elegido por los Justicias de la Corte Suprema de los Estados Unidos de América por mayoría. Si vacare el puesto de quinto Arbitro, se le elegirá sustituto del modo aquí estipulado en cuanto al nombramiento primitivo.

III. El Tribunal investigará y se cerciorará de la extensión de los territorios pertenecientes á las Provincias Unidas de los Países Bajos ó al Reino de España respectivamente, ó que pudieran ser legítimamente reclamados por aquéllas ó éste, al tiempo de la adquisición de la Colonia de la Guayana Británica por la

line between the Colony of British Guiana and the United States of Venezuela.

IV. In deciding the matters submitted, the Arbitrators shall ascertain all facts which they deem necessary to a decision of the controversy, and shall be governed by the following Rules, which are agreed upon by the High Contracting Parties as Rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to be applicable to the case :—

Rules.

(a.) Adverse holding or prescription during a period of fifty years shall make a good title. The Arbitrators may deem exclusive political control of a district, as well as actual settlement thereof, sufficient to constitute adverse holding or to make title by prescription.

(b.) The Arbitrators may recognize and give effect to rights and claims resting on any other ground whatever valid according to international law, and on any principles of international law which the Arbitrators may deem to be applicable to the case, and which are not in contravention of the foregoing rule.

(c.) In determining the boundary-line, if territory of one Party be found by the Tribunal

Gran Bretaña, y determinará la línea divisoria entre la Colonia de la Guayana Británica y los Estados Unidos de Venezuela.

IV. Al decidir los asuntos sometidos á los Arbitros, estos se cerciorarán de todos los hechos que estimen necesarios para la decisión de la controversia, y se gobernarán por las siguientes reglas en que están convenidas las Altas Partes Contratantes como reglas que han de considerarse aplicables al caso, y por los principios de derecho internacional no incompatibles con ellas, que los Arbitros juzgaren aplicables al mismo :—

Reglas.

(a.) Una posesión adversa o prescripción por el término de cincuenta años constituirá un buen título. Los Arbitros podrán estimar que la dominación política exclusiva de un distrito, así como la efectiva colonización de él, son suficientes para constituir una posesión adversa ó crear título de prescripción.

(b.) Los Arbitros podrán reconocer y hacer efectivos derechos y reivindicaciones que se apoyen en cualquier otro fundamento válido conforme al derecho internacional, y en cualesquiera principios de derecho internacional que los Arbitros estimen aplicables al caso y que no contravengan á la regla precedente.

(c.) Al determinar la línea divisoria, si el Tribunal hallare que territorio de una parte ha

to have been at the date of this Treaty in the occupation of the subjects or citizens of the other Party, such effect shall be given to such occupation as reason, justice, the principles of international law, and the equities of the case shall, in the opinion of the Tribunal, require.

V. The Arbitrators shall meet at Paris, within sixty days after the delivery of the printed arguments mentioned in Article VIII, and shall proceed impartially and carefully to examine and decide the questions that have been, or shall be, laid before them, as herein provided, on the part of the Governments of Her Britannic Majesty and the United States of Venezuela respectively.

Provided always that the Arbitrators may, if they shall think fit, hold their meetings, or any of them, at any other place which they may determine.

All questions considered by the Tribunal, including the final decision, shall be determined by a majority of all the Arbitrators.

Each of the High Contracting Parties shall name one person as its Agent to attend the Tribunal, and to represent it generally in all matters connected with the Tribunal.

VI. The printed Case of each of the two Parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each

estado en la fecha de este Tratado ocupado por los súbditos ó ciudadanos de la otra parte, se dará á tal ocupación el efecto que, en opinión del Tribunal, requieran la razón, la justicia, los principios del derecho internacional; y la equidad del caso.

V. Los Arbitros se reunirán en Paris dentro de los sesenta días después la entrega de los argumentos impresos mencionados en el Artículo VIII, y procederán á examinar y decidir imparcial y cuidadosamente las cuestiones que se les hayan sometido ó se les presentaren, según aquí se estipula, por parte de los Gobiernos de Su Majestad Británica y de los Estados Unidos de Venezuela respectivamente.

Pero queda siempre entendido que los Arbitros, si lo juzgan conveniente, podrán celebrar sus reuniones, ó algunas de ellas, en cualquier otro lugar que determinen.

Todas las cuestiones consideradas por el Tribunal, inclusive la decisión definitiva, serán resueltas por mayoría de todos los Arbitros.

Cada una de las Altas Partes Contratantes nombrará como su Agente una persona que asista al Tribunal y la represente generalmente en todos los asuntos conexos con el Tribunal.

VI. Tan pronto como sea posible después de nombrados los miembros del Tribunal, pero dentro de un plazo que no excederá de ocho meses contados desde la fecha del canje de las

of the Arbitrators and to the Agent of the other Party as soon as may be after the appointment of the members of the Tribunal, but within a period not exceeding eight months from the date of the exchange of the ratifications of this Treaty.

VII. Within four months after the delivery on both sides of the printed Case, either Party may in like manner deliver in duplicate to each of the said Arbitrators, and to the Agent of the other Party, a Counter-Case, and additional documents, correspondence, and evidence, in reply to the Case, documents, correspondence, and evidence so presented by the other Party.

If in the Case submitted to the Arbitrators either Party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof, and either Party may call upon the other, through the Arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance notice thereof within thirty days after delivery of the Case, and the original or copy so requested shall be delivered as soon as may be, and within a period not exceeding forty days after receipt of notice.

ratificaciones de este Tratado, se entregará por duplicado á cada uno de los Arbitros y al Agente de la otra Parte, el Alegato impreso de cada una de las dos Partes, acompañado de los documentos, la correspondencia oficial y las demás pruebas en que cada una se apoye.

VII. Dentro de los cuatro meses siguientes á la entrega por ambas Partes del Alegato impreso, una ú otra podrá del mismo modo entregar por duplicado á cada uno de dichos Arbitros, y al Agente de la otra Parte, un contra-Alegato y nuevos documentos, correspondencia y pruebas, para contestar al Alegato, documentos, correspondencia y pruebas presentados por la otra Parte.

Si en el Alegato sometido á los Arbitros una ú otra Parte hubiere especificado ó citado algún informe ó documento que esté en su exclusiva posesión, sin agregar copia, tal Parte quedará obligada, si la otra cree conveniente pedirla, á suministrarle copia de él; y una ú otra Parte podrá excitar á la otra, por medio de los Arbitros, á producir los originales ó copias certificados de los papelas aducidos como pruebas, dando en cada caso aviso de esto dentro de los treinta días después de la presentación del Alegato; y el original ó la copia pedidos se entregarán tan pronto como sea posible y dentro de un plazo que no exceda de cuarenta días después del recibo del aviso.

VIII. It shall be the duty of the Agent of each Party, within three months after the expiration of the time limited for the delivery of the Counter-Case on both sides, to deliver in duplicate to each of the said Arbitrators, and to the Agent of the other Party, a printed Argument showing the points, and referring to the evidence upon which his Government relies, and either Party may also support the same before the Arbitrators by oral argument of Counsel; and the Arbitrators may, if they desire further elucidation with regard to any point, require a written or printed statement or argument, or oral argument by Counsel upon it; but in such case the other Party shall be entitled to reply either orally or in writing, as the case may be.

IX. The Arbitrators may, for any cause deemed by them sufficient, enlarge either of the periods fixed by Articles VI, VII, and VIII by the allowance of thirty days additional.

X. The decision of the Tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the Arbitrators who may assent to it.

The decision shall be in duplicate, one copy whereof shall be delivered to the Agent of Great Britain for his Go-

VIII. El Agente de cada Parte, dentro de los tres meses después de la expiración del tiempo señalado para la entrega del contra-Alegato por ambas Partes, deberá entregar por duplicado á cada uno de dichos Arbitros y al Agente de la otra Parte un Argumento impreso que señale los puntos y cite las pruebas en que se funda su Gobierno, y cualquiera de las dos Partes podrá también apoyarlo ante los Arbitros con argumentos orales de su Abogado; y los Arbitros podrán, si desean mayor esclarecimiento con respecto á algún punto, requerir sobre él una exposición ó argumento escritos ó impresos, ó argumentos orales del Abogado; pero en tal caso la otra Parte tendrá derecho á contestar oralmente ó por escrito, según fuere el caso.

IX. Los Arbitros por cualquier causa que juzguen suficiente podrán prorogar uno ú otro de los plazos fijados en los Artículos VI, VII, y VIII, concediendo treinta días adicionales.

X. Si fuere posible, el Tribunal dará su decisión dentro de tres meses contados desde que termine la argumentación por ambos lados.

La decisión se dará por escrito, llevará fecha y se firmará por los Arbitros que asientan á ella.

La decisión se extenderá por duplicado; de ella se entregará un ejemplar al Agente de la Gran Bretaña para su Gobierno

vernment, and the other copy shall be delivered to the Agent of the United States of Venezuela for his Government.

XI. The Arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them.

XII. Each Government shall pay its own Agent and provide for the proper remuneration of the Counsel employed by it, and of the Arbitrators appointed by it or in its behalf, and for the expense of preparing and submitting its case to the Tribunal. All other expenses connected with the Arbitration shall be defrayed by the two Governments in equal moities.

XIII. The High Contracting Parties engage to consider the result of the proceedings of the Tribunal of Arbitration as a full, perfect, and final settlement of all the questions referred to the Arbitrators.

XIV. The present Treaty shall be duly ratified by Her Britannic Majesty and by the President of the United States of Venezuela, by and with the approval of the Congress thereof, and the ratifications shall be exchanged in London or in Washington within six months from the date hereof.

In faith whereof we, the respective Plenipotentiaries, have signed this Treaty, and have hereunto affixed our seals.

Done in duplicate at Wash-

y el otro se entregará al Agente de los Estados Unidos de Venezuela para su Gobierno.

XI. Los Arbitros llevarán un registro exacto de sus procedimientos y podrán elegir y emplear las personas que necesiten para su ayuda.

XII. Cada Gobierno pagará á su propio Agente y proveerá la remuneración conveniente para el Abogado que emplee y para los Arbitros elegidos por él ó en su nombre, y costeará los gastos de la preparación y sometimiento de su causa al Tribunal. Los dos Gobiernos satisfarán por partes iguales todos los demás gastos relativos al arbitramento.

XIII. Las Altas Partes Contratantes se obligan á considerar el resultado de los procedimientos del Tribunal de Arbitramento como arreglo pleno, perfecto y definitivo de todas las cuestiones sometidas á los Arbitros.

XIV. El presente Tratado será debidamente ratificado por Su Majestad Británica y por el Presidente de los Estados Unidos de Venezuela con la aprobación del Congreso de ellos, y las ratificaciones se canjearán en Londres ó en Washington dentro de los seis meses contados desde la fecha del presente Tratado.

En fé de lo cual los respectivos Plenipotenciarios hemos firmado este Tratado y le hemos puesto nuestros sellos.

Hecho por duplicado en

ington, the 2nd day of February, Washington, à 2 de Febrero,
1897. 1897.

(L.S.)	(L.S.)
JULIAN PAUNCEFOTE.	JULIAN PAUNCEFOTE.
(L.S.)	(L.S.)
JOSÉ ANDRADE.	JOSÉ ANDRADE.

UNIVERSAL POSTAL CONVENTION concluded between Great Britain and various British Colonies, British India, British Colonies of Australasia, Canada, British Colonies of South Africa, Argentine Republic, Austria-Hungary, Belgium, Bolivia, Bosnia-Herzegovina, Brazil, Bulgaria, Greater Republic of Central America, Chile, Chinese Empire, Republic of Colombia, Congo Free State, Kingdom of Corea, Republic of Costa Rica, Denmark and Danish Colonies, Dominican Republic,* Egypt, Equator, France and French Colonies, Germany and German Protectorates, Greece, Guatemala, Republic of Hayti, Republic of Hawaii,* Italy, Japan, Republic of Liberia, Luxemburg, Mexico, Montenegro, Netherlands and Dutch Colonies, Norway, Orange Free State,* Paraguay, Persia, Peru, Portugal and Portuguese Colonies, Roumania, Russia, Servia, Kingdom of Siam, South African Republic, Spain and Spanish Colonies, Sweden, Switzerland, Regency of Tunis, Turkey, United States of America, Uruguay, and United States of Venezuela.—Signed at Washington, June 15, 1897.*

[Ratifications deposited at Washington.]

Les Soussignés, Plénipotentiaires des Gouvernements des pays ci-dessus énumérés, s'étant réunis en Congrès à Washington, en vertu de l'Article XXV de la Convention Postale Universelle conclue à Vienne le 4 Juillet, 1891,† ont, d'un commun accord et sous réserve de ratification, révisé la dite Convention conformément aux dispositions suivantes :—

ART. I. Les pays entre lesquels est conclue la présente Convention, ainsi que ceux qui y adhéreront ultérieurement, forment sous la dénomination "d'Union Postale Universelle" un seul territoire postal pour l'échange réciproque des correspondances entre leurs bureaux de poste.

* Not signed by China, Dominican Republic, Republic of Hawaii, and Orange Free State. See Article IV of Final Protocol, page 82.

† Vol. LXXXIII, page 513.

[1896-97. LXXXIX.]

F

II. Les dispositions de cette Convention s'étendent aux lettres, aux cartes postales simples et avec réponse payée, aux imprimés de toute nature, aux papiers d'affaires et aux échantillons de marchandises, originaires de l'un des pays de l'Union et à destination d'un autre de ces pays. Elles s'appliquent également à l'échange postal des objets ci-dessus entre les pays de l'Union et les pays étrangers à l'Union, toutes les fois que cet échange emprunte les services de deux des Parties Contractantes au moins.

III.—1. Les Administrations des Postes des pays limitrophes ou aptes à correspondre directement entre eux sans emprunter l'intermédiaire des services d'une tierce Administration, déterminent, d'un commun accord, les conditions du transport de leurs dépêches réciproques à travers la frontière ou d'une frontière à l'autre.

2. A moins d'arrangement contraire, on considère comme services tiers les transports maritimes effectués directement entre deux pays, au moyen de paquebots ou bâtiments dépendant de l'un d'eux, et ces transports, de même que ceux effectués entre deux bureaux d'un même pays, par l'intermédiaire de services maritimes ou territoriaux dépendant d'un autre pays, sont régis par les dispositions de l'Article suivant.

IV.—1. La liberté du transit est garantie dans le territoire entier de l'Union.

2. En conséquence, les diverses Administrations Postales de l'Union peuvent s'expédier réciproquement, par l'intermédiaire d'une ou de plusieurs d'entre elles, tant des dépêches closes que des correspondances à découvert, suivant les besoins du trafic et les convenances du service postal.

3. Les correspondances échangées, soit à découvert, soit en dépêches closes, entre deux Administrations de l'Union, au moyen des services d'une ou de plusieurs autres Administrations de l'Union, sont soumises, au profit de chacun des pays traversés ou dont les services participent au transport, aux frais de transit suivants, savoir :—

(1.) Pour les parcours territoriaux, à 2 fr. par kilog. de lettres et de cartes postales et à 25 centimes par kilog. d'autres objets ;

(2.) Pour les parcours maritimes :

(a.) Aux prix du transit territorial, si le trajet n'excède pas 300 milles marins. Toutefois, le transport maritime sur un trajet n'excédant pas 300 milles marins est gratuit si l'Administration intéressée reçoit déjà, du chef des dépêches ou correspondances transportées, la rémunération afférente au transit territorial ;

(b.) A 5 fr. par kilog. de lettres et de cartes postales et à 50 centimes par kilog. d'autres objets, pour les échanges effectués sur un parcours excédant 300 milles marins, entre pays d'Europe, entre l'Europe et les ports d'Afrique et d'Asie sur la Méditerranée et la Mer Noire, ou de l'un à l'autre de ces ports, et entre l'Europe et

l'Amérique du Nord. Les mêmes prix sont applicables aux transports assurés dans tout le ressort de l'Union entre deux ports d'un même État, ainsi qu'entre les ports de deux États desservis par la même ligne de paquebots lorsque le trajet maritime n'excède pas 1,500 milles marins ;

(c.) A 15 fr. par kilog. de lettres et de cartes postales et à 1 fr. par kilog. d'autres objets, pour tous les transports ne rentrant pas dans les catégories énoncées aux alinéas (a et b) ci-dessus. En cas de transport maritime effectué par deux ou plusieurs Administrations, les frais du parcours total ne peuvent pas dépasser 15 fr. par kilog. de lettres et de cartes postales et 1 fr. par kilog. d'autres objets ; ces frais sont, le cas échéant, répartis entre les Administrations participant au transport, au prorata des distances parcourues, sans préjudice des arrangements différents qui peuvent intervenir entre les parties intéressées.

4. Les prix de transit spécifiés au présent Article ne s'appliquent, ni aux transports au moyen de services dépendant d'Administrations étrangères à l'Union, ni aux transports dans l'Union au moyen de services extraordinaires spécialement créés ou entretenus par une Administration, soit dans l'intérêt, soit sur la demande d'une ou de plusieurs autres Administrations. Les conditions de cette dernière catégorie de transports sont réglées de gré à gré entre les Administrations intéressées.

En outre, partout où le transit, tant territorial que maritime, est actuellement gratuit ou soumis à des conditions plus avantageuses, ce régime est maintenu.

5. Il est toutefois entendu—

(1.) Que les frais de transit territorial seront réduits, savoir :

De 5 pour cent pendant les deux premières années d'application de la présente Convention ;

De 10 pour cent pendant les deux années suivantes ;

De 15 pour cent au delà de quatre ans ;

(2.) Que les pays dont les recettes et les dépenses en matière de transit territorial ne dépassent pas ensemble la somme de 5,000 fr. par an, et dont les dépenses excèdent les recettes pour ce transit, sont exonérés de tout paiement de ce chef ;

(3.) Que le prix de transit maritime de 15 fr. par kilog. de lettres et de cartes postales prévu à la lettre (c) du paragraphe 3 précédent sera réduit, savoir :

A 14 fr. pendant les deux premières années d'application de la présente Convention ;

A 12 fr. pendant les deux années suivantes ;

A 10 fr. au delà de quatre ans.

6. Les frais de transit sont à la charge de l'Administration du pays d'origine.

7. Le décompte général de ces frais a lieu dans les conditions à déterminer par le Règlement d'exécution prévu par l'Article XX ci-après.

8. Sont exempts de tous frais de transit territorial ou maritime la correspondance officielle mentionnée au paragraphe 2 de l'Article XI ci-après ; les cartes postales-réponse renvoyées au pays d'origine ; les objets réexpédiés ou mal dirigés ; les rebuts ; les avis de réception ; les mandats de poste et tous autres documents relatifs au service postal.

V.—1. Les taxes pour le transport des envois postaux dans toute l'étendue de l'Union, y compris leur remise au domicile des destinataires dans les pays de l'Union où le service de distribution est ou sera organisé, sont fixées comme suit :—

(1.) Pour les lettres, à 25 centimes en cas d'affranchissement, et au double dans le cas contraire, par chaque lettre et par chaque poids de 15 grammes ou fraction de 15 grammes ;

(2.) Pour les cartes postales, en cas d'affranchissement, à 10 centimes pour la carte simple ou pour chacune des deux parties de la carte avec réponse payée, et au double dans le cas contraire ;

(3.) Pour les imprimés de toute nature, les papiers d'affaires et les échantillons de marchandises, à 5 centimes par chaque objet ou paquet portant une adresse particulière et par chaque poids de 50 grammes ou fraction de 50 grammes, pourvu que cet objet ou paquet ne contienne aucune lettre ou note manuscrite ayant le caractère de correspondance actuelle et personnelle, et soit conditionné de manière à pouvoir être facilement vérifié.

La taxe des papiers d'affaires ne peut être inférieure à 25 centimes par envoi, et la taxe des échantillons ne peut être inférieure à 10 centimes par envoi.

2. Il peut être perçu, en sus des taxes fixées par le paragraphe précédent—

(1.) Pour tout envoi soumis à des frais de transit maritime de 15 fr. par kilog. de lettres ou cartes postales et de 1 fr. par kilog. d'autres objets et dans toutes les relations auxquelles ces frais de transit sont applicables, une surtaxe uniforme qui ne peut pas dépasser 25 centimes par port simple pour les lettres, 5 centimes par carte postale et 5 centimes par 50 grammes ou fraction de 50 grammes pour les autres objets ;

(2.) Pour tout objet transporté par des services dépendant d'Administrations étrangères à l'Union ou par des services extraordinaires dans l'Union donnant lieu à des frais spéciaux, une surtaxe en rapport avec ces frais.

Lorsque le tarif d'affranchissement de la carte postale simple comprend l'une ou l'autre des surtaxes autorisées par les deux alinéas précédents, ce même tarif est applicable à chacune des parties de la carte postale avec réponse payée.

3. En cas d'insuffisance d'affranchissement les objets de correspondance de toute nature sont passibles, à la charge des destinataires, d'une taxe double du montant de l'insuffisance, sans que cette taxe puisse dépasser celle qui est perçue dans le pays de destination sur les correspondances non affranchies de même nature, poids, et origine.

4. Les objets autres que les lettres et les cartes postales doivent être affranchis, au moins partiellement.

5. Les paquets d'échantillons de marchandises ne peuvent renfermer aucun objet ayant une valeur marchande ; ils ne doivent pas dépasser le poids de 350 grammes, ni présenter des dimensions supérieurs à 30 centim. en longueur, 20 centim. en largeur et 10 centim. en épaisseur, ou, s'ils ont la forme de rouleau, à 30 centim. de longueur et 15 centim. de diamètre.

6. Les paquets de papiers d'affaires et d'imprimés ne peuvent pas dépasser le poids de 2 kilog., ni présenter, sur aucun de leurs côtés, une dimension supérieure à 45 centim. On peut, toutefois, admettre au transport par la poste les paquets en forme de rouleau dont le diamètre ne dépasse pas 10 centim. et dont la longueur n'excède pas 75 centim.

VI.—1. Les objets désignés dans l'Article V peuvent être expédiés sous recommandation.

2. Tout envoi recommandé est passible, à la charge de l'envoyeur—

(1.) Du prix d'affranchissement ordinaire de l'envoi, selon sa nature ;

(2.) D'un droit fixe de recommandation de 25 centimes au maximum, y compris la délivrance d'un bulletin de dépôt à l'expéditeur.

3. L'expéditeur d'un objet recommandé peut obtenir un avis de réception de cet objet, en payant, au moment du dépôt, un droit fixe de 25 centimes au maximum. Le même droit peut être appliqué aux demandes de renseignements sur le sort d'objets recommandés qui se produisent postérieurement au dépôt, si l'expéditeur n'a pas déjà acquitté la taxe spéciale pour obtenir un avis de réception.

VII.—1. Les correspondances recommandées peuvent être expédiées grevées de remboursement dans les relations entre les pays dont les Administrations conviennent d'assurer ce service. Les objets contre remboursement sont soumis aux formalités et aux taxes des envois recommandés. Le maximum de remboursement est fixé par envoi à 1,000 fr., ou à l'équivalent de cette somme en la monnaie du pays de destination. Chaque Administration a toutefois la faculté d'abaisser ce maximum à 500 fr. par envoi, ou à l'équivalent de cette somme dans son système monétaire.

2. A moins d'arrangement contraire entre les Administrations

des pays intéressés, le montant encaissé du destinataire doit être transmis à l'envoyeur au moyen d'un mandat de poste, après déduction de la taxe des mandats ordinaires et d'un droit d'encaissement de 10 centimes. Le montant d'un mandat de remboursement tombé en rebut reste à la disposition de l'Administration du pays d'origine de l'envoi grevé de remboursement.

3. La perte d'une correspondance recommandée grevée de remboursement engage la responsabilité du service postal dans les conditions déterminées par l'Article VIII ci-après pour les envois recommandés non suivis de remboursement. Après la livraison de l'objet, l'Administration du pays de destination est responsable du montant du remboursement et doit, en cas de réclamation, justifier de l'envoi à l'expéditeur de la somme encaissée, sauf prélèvement des taxes et droit prévus au § 2.

VIII.—1. En cas de perte d'un envoi recommandé et sauf le cas de force majeure, l'expéditeur ou, sur sa demande, le destinataire a droit à une indemnité de 50 fr.

2. Les pays disposés à se charger des risques pouvant dériver du cas de force majeure sont autorisés à percevoir de ce chef sur l'expéditeur une surtaxe de 25 centimes au maximum pour chaque envoi recommandé.

3. L'obligation de payer l'indemnité incombe à l'Administration dont relève le bureau expéditeur. Est réservé à cette Administration le recours contre l'Administration responsable, c'est-à-dire, contre l'Administration sur le territoire ou dans le service de laquelle la perte a eu lieu. En cas de perte, dans des circonstances de force majeure, sur le territoire ou dans le service d'un pays se chargeant des risques mentionnées au paragraphe précédent, d'un objet recommandé provenant d'un autre pays, le pays où la perte a eu lieu en est responsable devant l'office expéditeur, si ce dernier se charge de son côté des risques en cas de force majeure à l'égard de ses expéditeurs.

4. Jusqu'à preuve du contraire, la responsabilité incombe à l'Administration qui, ayant reçu l'objet sans faire d'observation, ne peut établir ni la délivrance au destinataire ni, s'il y a lieu, la transmission régulière à l'Administration suivante. Pour les envois adressés poste restante, la responsabilité cesse par la délivrance à une personne qui a justifié, suivant les règles en vigueur dans le pays de destination, que ses nom et qualité sont conformes aux indications de l'adresse.

5. Le paiement de l'indemnité par l'office expéditeur doit avoir lieu le plus tôt possible et, au plus tard, dans le délai d'un an à partir du jour de la réclamation. L'office responsable est tenu de rembourser sans retard, à l'office expéditeur, le montant de l'indemnité payée par celui-ci. L'office d'origine est autorisé à

désintéresser l'expéditeur pour le compte de l'office intermédiaire ou destinataire qui, régulièrement saisi, a laissé une année s'écouler sans donner suite à l'affaire. En outre, dans le cas où un office dont la responsabilité est dûment établie a tout d'abord décliné le paiement de l'indemnité, il doit prendre à sa charge, en plus de l'indemnité, les frais accessoires résultant du retard non justifié apporté au paiement.

6. Il est entendu que la réclamation n'est admise que dans le délai d'un an, à partir du dépôt à la poste de l'envoi recommandé; passé ce terme, le réclamant n'a droit à aucune indemnité.

7. Si la perte a eu lieu en cours de transport sans qu'il soit possible d'établir sur le territoire ou dans le service de quel pays le fait s'est accompli, les Administrations en cause supportent le dommage par parts égales.

8. Les Administrations cessent d'être responsables des envois recommandés dont les ayants droit ont donné reçu et pris livraison.

IX.—1. L'expéditeur d'un objet de correspondance peut le faire retirer du service ou en faire modifier l'adresse, tant que cet objet n'a pas été livré au destinataire.

2. La demande à formuler à cet effet est transmise par voie postale ou par voie télégraphique aux frais de l'expéditeur, qui doit payer, savoir :

(1.) Pour toute demande par voie postale, la taxe applicable à une lettre simple recommandée ;

(2.) Pour toute demande par voie télégraphique, la taxe du télégramme d'après le tarif ordinaire.

3. Les dispositions du présent Article ne sont pas obligatoires pour les pays dont la législation ne permet pas à l'expéditeur de disposer d'un envoi en cours de transport.

X. Ceux des pays de l'Union qui n'ont pas le franc pour unité monétaire fixent leurs taxes à l'équivalent, dans leur monnaie respective, des taux déterminés par les divers Articles de la présente Convention. Ces pays ont la faculté d'arrondir les fractions conformément au Tableau inséré au Règlement d'exécution mentionné à l'Article XX de la présente Convention.

XI.—1. L'affranchissement de tout envoi quelconque ne peut être opéré qu'au moyen de timbres-poste valables dans le pays d'origine pour la correspondance des particuliers. Toutefois, il n'est pas permis de faire usage, dans le service international, de timbres-poste créés dans un but spécial et particulier au pays d'émission, tels que les timbres-poste dits commémoratifs d'une validité transitoire. Sont considérés comme dûment affranchis les cartes-réponse portant des timbres-poste du pays d'émission de ces cartes et les journaux ou paquets de journaux non munis de timbres-poste, mais dont la suscription porte la mention " Abonnements-poste " et qui

sont expédiés en vertu de l'arrangement particulier sur les abonnements aux journaux, prévu à l'Article XIX de la présente Convention.

2. Les correspondances officielles relatives au service postal, échangées entre les Administrations Postales, entre ces Administrations et le Bureau International, et entre les Bureaux de Poste des pays de l'Union, sont exemptées de l'affranchissement en timbres-poste ordinaires et sont seules admises à la franchise.

3. Les correspondances déposées en pleine mer à la boîte d'un paquebot ou entre les mains des commandants de navires peuvent être affranchies au moyen des timbres-poste et d'après le tarif du pays auquel appartient ou dont dépend le dit paquebot. Si le dépôt à bord a lieu pendant le stationnement aux deux points extrêmes du parcours ou dans l'une des escales intermédiaires, l'affranchissement n'est valable qu'autant qu'il est effectué au moyen de timbres-poste et d'après le tarif du pays dans les eaux duquel se trouve le paquebot.

XII.—1. Chaque Administration garde en entier les sommes qu'elle a perçues en exécution des Articles V, VI, VII, X, et XI précédents, sauf la bonification due pour les mandats prévus au paragraphe 2 de l'Article VII.

2. En conséquence, il n'y a pas lieu, de ce chef, à un décompte entre les diverses Administrations de l'Union, sous réserve de la bonification prévue au paragraphe 1 du présent Article.

3. Les lettres et autres envois postaux ne peuvent, dans le pays d'origine comme dans celui de destination, être frappés, à la charge des expéditeurs ou des destinataires, d'aucune taxe ni d'aucun droit postal autres que ceux prévus par les Articles susmentionnés.

XIII.—1. Les objets de correspondance de toute nature sont, à la demande des expéditeurs, remis à domicile par un porteur spécial immédiatement après l'arrivée, dans les pays de l'Union qui consentent à se charger de ce service dans leurs relations réciproques.

2. Ces envois, qui sont qualifiés "exprès," sont soumis à une taxe spéciale de remise à domicile; cette taxe est fixée à 30 centimes et doit être acquittée complètement et à l'avance, par l'expéditeur, en sus du port ordinaire. Elle est acquise à l'Administration du pays d'origine.

3. Lorsque l'objet est destiné à une localité où il n'existe pas de bureau de poste, l'Administration des Postes destinataire peut percevoir une taxe complémentaire jusqu'à concurrence du prix fixé pour la remise par exprès dans son service interne, déduction faite de la taxe fixe payée par l'expéditeur, ou de son équivalent dans la monnaie du pays qui perçoit ce complément.

4. Les objets exprès non complètement affranchis pour le

montant total des taxes payables à l'avance sont distribués par les moyens ordinaires.

XIV.—1. Il n'est perçu aucun supplément de taxe pour la réexpédition d'envois postaux dans l'intérieur de l'Union.

2. Les correspondances tombées en rebut ne donnent pas lieu à restitution des droits de transit revenant aux Administrations intermédiaires, pour le transport antérieur des dites correspondances.

3. Les lettres et les cartes postales non affranchies et les correspondances de toute nature insuffisamment affranchies, qui font retour au pays d'origine par suite de réexpédition ou de mise en rebut, sont passibles, à la charge des destinataires ou des expéditeurs, des mêmes taxes que les objets similaires directement adressés du pays de la première destination au pays d'origine.

XV.—1. Des dépêches closes peuvent être échangées entre les bureaux de poste de l'un des pays contractants et les commandants de divisions navales ou bâtiments de guerre de ce même pays en station à l'étranger, par l'intermédiaire des services territoriaux ou maritimes dépendant d'autres pays.

2. Les correspondances de toute nature comprises dans ces dépêches doivent être exclusivement à l'adresse ou en provenance des états-majors et des équipages des bâtiments destinataires ou expéditeurs des dépêches; les tarifs et conditions d'envoi qui leur sont applicables sont déterminés, d'après ses règlements intérieurs, par l'Administration des Postes du pays auquel appartiennent les bâtiments.

3. Sauf arrangement contraire entre les offices intéressés, l'office postal expéditeur ou destinataire des dépêches dont il s'agit est redevable, envers les offices intermédiaires, de frais de transit calculés conformément aux dispositions de l'Article IV.

XVI.—1. Il n'est pas donné cours aux papiers d'affaires, échantillons et imprimés qui ne remplissent pas les conditions requises, pour ces catégories d'envois, par l'Article V de la présente Convention et par le Règlement d'exécution prévu à l'Article XX.

2. Le cas échéant, ces envois sont renvoyés au timbre d'origine et remis, s'il est possible, à l'expéditeur.

3. Il est interdit :

(1.) D'expédier par la poste—

(a.) Des échantillons et autres objets qui, par leur nature, peuvent présenter du danger pour les agents postaux, salir ou détériorer les correspondances ;

(b.) Des matières explosibles, inflammables ou dangereuses; des animaux et insectes, vivants ou morts, sauf les exceptions prévues au Règlement de détail.

(2.) D'insérer dans les correspondances ordinaires ou recommandées consignées à la poste—

(a.) Des pièces de monnaie ayant cours ;

(b.) Des objets passibles de droits de douane ;

(c.) Des matières d'or ou d'argent, des pierreries, des bijoux et autres objets précieux, mais seulement dans le cas où leur insertion ou expédition serait défendue d'après la législation des pays intéressés.

4. Les envois tombant sous les prohibitions du paragraphe 3 qui précède, et qui auraient été à tort admis à l'expédition, doivent être renvoyés au timbre d'origine, sauf le cas où l'Administration du pays de destination serait autorisée par sa législation ou par ses règlements intérieurs à en disposer autrement.

Toutefois, les matières explosibles, inflammables ou dangereuses ne sont pas renvoyées au timbre d'origine ; elles sont détruites sur place par les soins de l'Administration qui en constate la présence.

5. Est d'ailleurs réservé le droit du Gouvernement de tout pays de l'Union de ne pas effectuer, sur son territoire, le transport ou la distribution, tant des objets jouissant de la modération de taxe à l'égard desquels il n'a pas été satisfait aux lois, ordonnances, ou décrets qui règlent les conditions de leur publication ou de leur circulation dans ce pays, que des correspondances de toute nature qui portent ostensiblement des inscriptions, dessins, &c., interdits par les dispositions légales ou réglementaires en vigueur dans le même pays.

XVII.—1. Les offices de l'Union qui ont des relations avec des pays situés en dehors de l'Union doivent prêter leur concours à tous les autres offices de l'Union pour la transmission à découvert, par leur intermédiaire, de correspondances à destination ou provenant des dits pays.

2. A l'égard des frais de transit des envois de toute nature et de la responsabilité en matière d'objets recommandés, les correspondances dont il s'agit sont traitées—

Pour le transport dans le ressort de l'Union, d'après les stipulations de la présente Convention ;

Pour le transport en dehors des limites de l'Union, d'après les conditions notifiées par l'office de l'Union qui sert d'intermédiaire.

Toutefois, les frais du transport maritime total, dans l'Union et hors l'Union, ne peuvent pas excéder 20 fr. par kilog. de lettres et de cartes postales et 1 fr. par kilog. d'autres objets ; le cas échéant, ces frais sont répartis, au prorata des distances, entre les offices intervenant dans le transport maritime.

Les frais de transit, territorial ou maritime, en dehors des limites de l'Union comme dans le ressort de l'Union, des correspondances

auxquelles s'applique le présent Article, sont constatés dans la même forme que les frais de transit afférents aux correspondances échangées entre pays de l'Union.

3. Les frais de transit des correspondances à destination des pays en dehors de l'Union Postale sont à la charge de l'office du pays d'origine, qui fixe les taxes d'affranchissement dans son service des dites correspondances, sans que ces taxes puissent être inférieures au tarif normal de l'Union.

4. Les frais de transit des correspondances originaires des pays en dehors de l'Union ne sont pas à la charge de l'office du pays de destination. Cet office distribue sans taxe les correspondances qui lui sont livrées comme complètement affranchies; il taxe les correspondances non affranchies au double du tarif d'affranchissement applicable dans son propre service aux envois similaires à destination du pays d'où proviennent les dites correspondances, et les correspondances insuffisamment affranchies au double de l'insuffisance, sans que la taxe puisse dépasser celle qui est perçue sur les correspondances non affranchies de même nature, poids, et origine.

5. Les correspondances expédiées d'un pays de l'Union dans un pays en dehors de l'Union et vice versa, par l'intermédiaire d'un office de l'Union, peuvent être transmises, de part et d'autre, en dépêches closes, si ce mode de transmission est admis d'un commun accord par les offices d'origine et de destination des dépêches, avec l'agrément de l'office intermédiaire.

XVIII. Les Hautes Parties Contractantes s'engagent à prendre, ou à proposer à leurs législatures respectives, les mesures nécessaires pour punir l'emploi frauduleux, pour l'affranchissement de correspondances, de timbres-poste contrefaits ou ayant déjà servi. Elles s'engagent également à prendre, ou à proposer à leurs législatures respectives, les mesures nécessaires pour interdire et réprimer les opérations frauduleuses de fabrication, vente, colportage ou distribution de vignettes et timbres en usage dans le service des postes, contrefaits ou imités de telle manière qu'ils pourraient être confondus avec les vignettes et timbres émis par l'Administration d'un des pays adhérents.

XIX. Le service des lettres et boîtes avec valeur déclarée, et ceux des mandats de poste, des colis postaux, des valeurs à recouvrer, des livrets d'identité, des abonnements aux journaux, &c., font l'objet d'arrangements particuliers entre les divers pays ou groupes de pays de l'Union.

XX.—1. Les Administrations Postales des divers pays qui composent l'Union sont compétentes pour arrêter d'un commun accord, dans un Règlement d'exécution, toutes les mesures d'ordre et de détail qui sont jugées nécessaires.

2. Les différentes Administrations peuvent, en outre, prendre entre elles les arrangements nécessaires au sujet des questions qui ne concernent pas l'ensemble de l'Union, pourvu que ces arrangements ne dérogent pas à la présente Convention.

3. Il est toutefois permis aux Administrations intéressées de s'entendre mutuellement pour l'adoption de taxes réduites dans un rayon de 30 kilom.

XXI.—1. La présente Convention ne porte point altération à la législation de chaque pays dans tout ce qui n'est pas prévu par les stipulations contenues dans cette Convention.

2. Elle ne restreint pas le droit des Parties Contractantes de maintenir et de conclure des Traités, ainsi que de maintenir et d'établir des Unions plus restreintes, en vue de la réduction des taxes ou de toute autre amélioration des relations postales.

XXII.—1. Est maintenue l'institution, sous le nom de Bureau International de l'Union Postale Universelle, d'un office central qui fonctionne sous la haute surveillance de l'Administration des Postes Suisses et dont les frais sont supportés par toutes les Administrations de l'Union.

2. Ce bureau demeure chargé de réunir, de coordonner, de publier, et de distribuer les renseignements de toute nature qui intéressent le service international des postes; d'émettre, à la demande des parties en cause, un avis sur les questions litigieuses; d'instruire les demandes en modification des Actes du Congrès; de notifier les changements adoptés, et, en général, de procéder aux études et aux travaux dont il serait saisi dans l'intérêt de l'Union Postale.

XXIII.—1. En cas de dissentiment entre deux ou plusieurs membres de l'Union relativement à l'interprétation de la présente Convention ou à la responsabilité d'une Administration en cas de perte d'un envoi recommandé, la question en litige est réglée par jugement arbitral. A cet effet, chacune des Administrations en cause choisit un autre membre de l'Union qui n'est pas directement intéressé dans l'affaire.

2. La décision des arbitres est donnée à la majorité absolue des voix.

3. En cas de partage des voix, les arbitres choisissent, pour trancher le différend, une autre Administration également désintéressée dans le litige.

4. Les dispositions du présent Article s'appliquent également à tous les Arrangements conclus en vertu de l'Article XIX précédent.

XXIV.—1. Les pays qui n'ont point pris part à la présente Convention sont admis à y adhérer sur leur demande.

2. Cette adhésion est notifiée, par la voie diplomatique, au

Gouvernement de la Confédération Suisse et, par ce Gouvernement, à tous les pays de l'Union.

3. Elle emporte, de plein droit, accession à toutes les clauses et admission à tous les avantages stipulés par la présente Convention.

4. Il appartient au Gouvernement de la Confédération Suisse de déterminer, d'un commun accord avec le Gouvernement du pays intéressé, la part contributive de l'Administration de ce dernier pays dans les frais du Bureau International, et, s'il y a lieu, les taxes à percevoir par cette Administration en conformité de l'Article X précédent.

XXV.—1. Des Congrès de Plénipotentiaires des pays contractants ou de simples Conférences Administratives, selon l'importance des questions à résoudre, sont réunis, lorsque la demande en est faite ou approuvée par les deux tiers, au moins, des Gouvernements ou Administrations, suivant le cas.

2. Toutefois, un Congrès doit avoir lieu au moins tous les cinq ans.

3. Chaque pays peut se faire représenter, soit par un ou plusieurs délégués, soit par la délégation d'un autre pays. Mais il est entendu que le délégué ou les délégués d'un pays ne peuvent être chargés que de la représentation de deux pays, y compris celui qu'ils représentent.

4. Dans les délibérations, chaque pays dispose d'une seule voix.

5. Chaque Congrès fixe le lieu de la réunion du prochain Congrès.

6. Pour les Conférences, les Administrations fixent les lieux de réunion sur la proposition du Bureau International.

XXVI.—1. Dans l'intervalle qui s'écoule entre les réunions, toute Administration des Postes d'un pays de l'Union a le droit d'adresser aux autres Administrations participantes, par l'intermédiaire du Bureau International, des propositions concernant le régime de l'Union. Pour être mise en délibération, chaque proposition doit être appuyée par au moins deux Administrations, sans compter celle dont la proposition émane. Lorsque le Bureau International ne reçoit pas, en même temps que la proposition, le nombre nécessaire de déclarations d'appui, la proposition reste sans aucune suite.

2. Toute proposition est soumise au procédé suivant:—

Un délai de six mois est laissé aux Administrations de l'Union pour examiner les propositions et pour faire parvenir au Bureau International, le cas échéant, leurs observations. Les amendements ne sont pas admis. Les réponses sont réunies par les soins du Bureau International et communiquées aux Administrations avec l'invitation de se prononcer pour ou contre. Celles qui n'or'

point fait parvenir leur vote dans un délai de six mois, à compter de la date de la seconde circulaire du Bureau International leur notifiant les observations apportées, sont considérées comme s'abstenant.

3. Pour devenir exécutoires, les propositions doivent réunir, savoir :—

(1.) L'unanimité des suffrages, s'il s'agit de l'addition de nouvelles dispositions ou de la modification des dispositions du présent Article et des Articles II, III, IV, V, VI, VII, VIII, IX, XII, XIII, XV, XVIII, XXVII, XXVIII, et XXIX ;

(2.) Les deux tiers des suffrages, s'il s'agit de la modification des dispositions de la Convention autres que celles des Articles II, III, IV, V, VI, VII, VIII, IX, XII, XIII, XV, XVIII, XXVI, XXVII, XXVIII, et XXIX ;

(3.) La simple majorité absolue, s'il s'agit de l'interprétation des dispositions de la Convention, hors le cas de litige prévu à l'Article XXIII précédent.

4. Les résolutions valables sont consacrées, dans les deux premiers cas, par une déclaration diplomatique, que le Gouvernement de la Confédération Suisse est chargé d'établir et de transmettre à tous les Gouvernements des pays contractants, et dans le troisième cas par une simple notification du Bureau International à toutes les Administrations de l'Union.

5. Toute modification ou résolution adoptée n'est exécutoire que trois mois, au moins, après sa notification.

XXVII. Sont considérés comme formant, pour l'application des Articles XXII, XXV, et XXVI précédents, un seul pays ou une seule Administration, suivant le cas :—

1. L'ensemble des Colonies Allemandes ;
2. L'Empire de l'Inde Britannique ;
3. Le Dominion du Canada ;
4. L'ensemble des Colonies Britanniques de l'Australasie ;
5. L'ensemble de toutes les autres Colonies Britanniques ;
6. L'ensemble des Colonies Danoises ;
7. L'ensemble des Colonies Espagnoles ;
8. Les Colonies et Protectorats Français de l'Indo-Chine ;
9. L'ensemble des autres Colonies Françaises ;
10. L'ensemble des Colonies Néerlandaises ;
11. L'ensemble des Colonies Portugaises.

XXVIII. La présente Convention sera mise à exécution le 1^{er} Janvier, 1899, et demeurera en vigueur pendant un temps indéterminé ; mais chaque Partie Contractante a le droit de se retirer de l'Union, moyennant un avertissement donné une année à l'avance par son Gouvernement au Gouvernement de la Confédération Suisse.

XXIX.—1. Sont abrogées, à partir du jour de la mise à exécution de la présente Convention, toutes les dispositions des Traités, Conventions, Arrangements, ou autres Actes conclus antérieurement entre les divers pays ou Administrations, pour autant que ces dispositions ne seraient pas conciliables avec les termes de la présente Convention, et sans préjudice des droits réservés par l'Article XXI ci-dessus.

2. La présente Convention sera ratifiée aussitôt que faire se pourra. Les actes de ratification seront échangés à Washington.

3. En foi de quoi les Plénipotentiaires des pays ci-dessus énumérés ont signé la présente Convention à Washington, le 15 Juin, 1897.

Pour l'Allemagne et les Protectorats Allemands

FRITSCH.
NEUMANN.

Pour la République Majeure de l'Amérique Centrale

N. BOLET PERAZA.

Pour les États-Unis d'Amérique

GEORGE S. BATCHELLER.
EDWARD ROSEWATER.
JAS. N. TYNER.
N. M. BROOKS.
A. D. HAZEN.

Pour la République Argentino .

M. GARCIA MEROU.

Pour l'Autriche

DR. NEUBAUER.
HABBERGER.
STIBRAL.

Pour la Belgique

LICHTERVELDE.
STERPIN.
A. LAMBIN.

Pour la Bolivie

T. ALEJANDRO SANTOS.

Pour la Bosnie-Herzegovine ..

DR. KAMLER.

Pour le Brésil

A. FONTOURA XAVIER.

Pour le Bulgarie

IV. STOYANOVITCH.

Pour le Chili

R. L. IRARRÁZAVAL.

Pour l'Empire de Chine ..

Pour la République de Colombie

CLIMACO CALDERON.

Pour l'État Indépendant du

Congo

LICHTERVELDE.
STERPIN.
A. LAMBIN.

Pour le Royaume de Corée ..

CHIN POM YE.
JOHN W. HOYT (pour le
Colonel Ho Sang Min).
JOHN W. HOYT.

Pour la République de Costa-Rica	J. B. CALVO.
Pour le Danemark et les Colonies Danoises	C. SVENDSEN.
Pour la République Dominicaine	
Pour l'Égypte	Y. SABA.
Pour l'Équateur.. ..	L. F. CARBO.
Pour l'Espagne et les Colonies Espagnoles	ADOLFO ROZABAL. CARLOS FLOREZ.
Pour la France	ANSAULT.
Pour les Colonies Françaises ..	ED. DALMAS.
Pour la Grande-Bretagne et diverses Colonies Britanniques	S. WALPOLE. H. BUXTON FORMAN. C. A. KING.
Pour l'Inde Britannique ..	H. M. KISCH.
Pour les Colonies Britanniques de l'Australasie	JOHN GAVAN DUFFY.
Pour le Canada	WM. WHITE.
Pour les Colonies Britanniques de l'Afrique du Sud	S. R. FRENCH. SPENCER TODD.
Pour la Grèce	ED. HÖHN.
Pour le Guatemala	J. NOVELLA.
Pour la République d'Haïti ..	J. N. LEGER.
Pour la République d'Hawaï ..	
Pour la Hongrie.. ..	PIERRE DE SZALAY. G. DE HENNYEY.
Pour l'Italie	E. CHIARADIA. G. C. VINCI. E. DELMATI.
Pour le Japon	KENJIRO KOMATSU. KWANKICHI YUKAWIA.
Pour la République de Libéria..	CHAS. HALL ADAMS.
Pour le Luxembourg	VAN DER VEEN (pour M. Havelaar).
Pour le Mexique	A. M. CHAVEZ. I. GARFIAS. M. ZAPATA-VERA.
Pour le Monténégro	DR. NEUBAUER. HABBERGER. STIBRAL.
Pour la Norvège	THB. HEYERDAHL.
Pour l'État Libre d'Orange ..	

Pour le Paraguay	JOHN STEWART.
Pour les Pays-Bas	VAN DER VEEN (pour M. Havelaar). VAN DER VEEN.
Pour les Colonies Néerlandaises.	JOHS. J. PERK.
Pour le Pérou	ALBERTO FALCON.
Pour la Perse	MIRZA ALINAGHI KHAN. MUSTECHARUL-VEZAREH.
Pour le Portugal et les Colonies	
Portugaises	SANTO-THYRSO.
Pour la Roumanie	C. CHIRU. R. PREDÄ.
Pour la Russie	SEVASTIANOF.
Pour la Serbie	PIERRE DE SZALAY. G. DE HENNYEY.
Pour le Royaume de Siam ..	ISAAC TOWNSEND SMITH.
Pour la République Sud-Afri- caine	ISAAC VAN ALPHEN.
Pour la Suède	F. H. SCHLYTERN.
Pour la Suisse	J. B. PIODA. A. STÄGER. C. DELESSERT.
Pour la Régence de Tunis ..	THIÉBAUT.
Pour la Turquie	MOUSTAPHA. A. FAHRI.
Pour l'Uruguay	PRUDENCIO DE MUR- GUIONDO.
Pour les États-Unis de Vene- zuela	JOSE ANDRADE. ALEJANDRO YBARRA.

PROTOCOLE FINAL.

Au moment de procéder à la signature des Conventions arrêtées par le Congrès Postal Universel de Washington, les Plénipotentiaires soussignés sont convenus de ce qui suit :—

I. Il est pris acte de la déclaration faite par la délégation Britannique au nom de son Gouvernement et portant qu'il a cédé aux Colonies et Protectorats Britanniques de l'Afrique du Sud la voix que l'Article XXVII (5) de la Convention attribue à "l'ensemble de toutes les autres Colonies Britanniques."

II. En dérogation à la disposition de l'Article VI de la Convention, qui fixe à 25 centimes au maximum le droit de recommandation,

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il est convenu que les États hors d'Europe sont autorisés à maintenir ce maximum à 50 centimes, y compris la délivrance d'un bulletin de dépôt à l'expéditeur.

III. En dérogation aux dispositions de l'Article VIII de la Convention, il est convenu que, par mesure de transition, les Administrations des pays hors d'Europe dont la législation est actuellement contraire au principe de la responsabilité conservent la faculté d'ajourner l'application de ce principe jusqu'au jour où elles auront pu obtenir du pouvoir législatif l'autorisation de l'introduire. Jusqu'à ce moment, les autres Administrations de l'Union ne sont pas astreintes à payer une indemnité pour la perte, dans leurs services respectifs, d'envois recommandés à destination ou provenant des dits pays.

IV. La République Dominicaine, qui fait partie de l'Union Postale, ne s'étant pas fait représenter au Congrès, le Protocole lui reste ouvert pour adhérer aux Conventions qui y ont été conclues ou seulement à l'une ou l'autre d'entre elles.

Le Protocole reste également ouvert en faveur de l'Empire de Chine, dont les Délégués au Congrès ont déclaré l'intention de ce pays d'entrer dans l'Union Postale Universelle à partir d'une date à fixer ultérieurement.

Il demeure aussi ouvert à l'État Libre d'Orange, dont le Représentant a manifesté l'intention de ce pays d'adhérer à l'Union Postale Universelle.*

V. Le Protocole demeure ouvert en faveur des pays dont les Représentants n'ont signé aujourd'hui que la Convention principale, ou un certain nombre seulement des Conventions arrêtées par le Congrès, à l'effet de leur permettre d'adhérer aux autres Conventions signées ce jour, ou à l'une ou l'autre d'entre elles.

VI. Les adhésions prévues à l'Article IV ci-dessus devront être notifiées au Gouvernement des États-Unis d'Amérique, par les Gouvernements respectifs, en la forme diplomatique. Le délai qui leur est accordé pour cette notification expirera le 1^{er} Octobre, 1898.

VII. Dans le cas où une ou plusieurs des Parties Contractantes aux Conventions Postales signées aujourd'hui à Washington ne ratifieraient pas l'une ou l'autre de ces Conventions, cette Convention n'en sera pas moins valable pour les États qui l'auront ratifiée.

En foi de quoi les Plénipotentiaires ci-dessous ont dressé le présent Protocole Final, qui aura la même force et la même valeur

* Since this Convention was signed, the accession of the Orange Free State to the Postal Union (Convention of Vienna) has been definitely fixed to take effect from the 1st January, 1898. (See Notification, page 211.)

que si ses dispositions étaient insérées dans le texte même des Conventions auxquelles il se rapporte, et ils l'ont signé en un exemplaire qui restera déposé aux archives du Gouvernement des États-Unis d'Amérique et dont une copie sera remise à chaque partie.

Fait à Washington, le 15 Juin, 1897.

Pour l'Allemagne et les Protec- torats Allemands	FRITSCH. NEUMANN.
Pour la République Majeure de l'Amérique Centrale	N. BOLET PERAZA.
Pour les États-Unis d'Amérique	GEORGE S. BATCHELLER. EDWARD ROSEWATER. JAS. N. TYNER. N. M. BROOKS. A. D. HAZEN.
Pour la République Argentine..	M. GARCIA MEROU.
Pour l'Autriche	DR. NEUBAUER. HABBERGER. STIBRAL.
Pour la Belgique	LICHTERVELDE. STERPIN. A. LAMBIN.
Pour la Bolivie	T. ALEJANDRO SANTOS.
Pour la Bosnie-Herzégovine ..	DR. KAMLER.
Pour le Brésil	A. FONTOURA XAVIER.
Pour la Bulgarie	IV. STOYANOVITCH.
Pour le Chili	B. L. IRARRÁZAVAL.
Pour l'Empire de Chine ..	
Pour la République de Colombie	CLIMACO CALDERON.
Pour l'État Indépendant du Congo	LICHTERVELDE. STERPIN. A. LAMBIN.
Pour le Royaume de Corée ..	CHIN POM YE. JOHN W. HOYT (pour le Colonel Ho Sang Min). JOHN W. HOYT.
Pour la République de Costa- Rica	J. B. CALVO.
Pour le Danemark et les Co- lonies Danoises	C. SVENDSEN.
Pour la République Dominicaine	
Pour l'Égypte	Y. SABA.

Pour l'Équateur.. ..	L. F. CARBO.
Pour l'Espagne et les Colonies Espagnoles	ADOLFO ROZABAL. CARLOS FLOREZ.
Pour la France	ANSAULT.
Pour les Colonies Françaises ..	ED. DALMAS.
Pour la Grande-Bretagne et di- verses Colonies Britanniques .	S. WALPOLE. H. BUXTON FORMAN. C. A. KING.
Pour l'Inde Britannique ..	H. M. KISCH.
Pour les Colonies Britanniques de l'Australasie	JOHN GAVAN DUFFY
Pour le Canada	WM. WHITE.
Pour les Colonies Britanniques de l'Afrique du Sud	S. R. FRENCH. SPENCER TODD.,
Pour la Grèce	ED. HÖHN.
Pour le Guatemala	J. NOVELLA.
Pour la République d'Haïti ..	J. N. LEGER.
Pour la République d'Hawaï ..	
Pour la Hongrie.. ..	PIERRE DE SZALAY. G. DE HENNYEY.
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Pour le Pérou	ALBERTO FALCON.

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Pour la Perse	MIRZA ALINAGHI KHAN. MUSTECHARUL-VEZAREH.
Pour le Portugal et les Colonies	
Portugaises	SANTO-THYRSO.
Pour la Roumanie	C. CHIRU. R. PREDA.
Pour la Russie	SEVASTIANOF.
Pour la Serbie	PIERRE DE SZALAY. G. DE HENNYEY.
Pour le Royaume de Siam ..	ISAAC TOWNSEND SMITH.
Pour la République Sud-Afri- caine	ISAAC VAN ALPHEN.
Pour la Suède	F. H. SCHLYTERN.
Pour la Suisse	J. B. PIODA. A. STÄGER. C. DELESSEET.
Pour la Régence de Tunis ..	THIÉBAUT.
Pour la Turquie.. ..	MOUSTAPHA. A. FAHRI.
Pour l'Uruguay	PRUDENCIO DE MUR- GUIONDO.
Pour les États-Unis de Vene- zuela	JOSÉ ANDRADE. ALEJANDRO YBARRA.

(A.)

LAUSANNE.

R

No. 1460.

(B.)

ADMINISTRATION DE

AVIS DE RÉCEPTION

{ d'une lettre avec valeur déclarée de
d'un objet recommandé ()* } enregistré au bureau
le le sous le No. †
et adressé à M. à .

Le Soussigné déclare { qu'une lettre avec valeur déclarée } à l'adresse
qu'un objet recommandé }
susmentionnée et provenant de a été dûment
livré le , 189

(L'imbre du bureau distributeur.)

Signature.‡

Du destinataire :

Du Chef du Bureau Distributeur :

* Nature de l'objet (lettre, échantillon, imprimé, &c.).

† Bureau d'origine; date de dépôt à ce bureau; numéro d'enregistrement au même bureau.

‡ *Nota.*—Cet avis doit être signé par le destinataire ou, si les règlements du pays de destination le comportent, par le Chef du Bureau distributeur, puis être mis sous enveloppe et envoyé, sous recommandation, par le premier courrier, au bureau d'origine de l'objet qu'il concerne.

ADMINISTRATION DES POSTES

D

CORRESPONDANCE AVEC L'ÉTRANGER

D

(C) (*recto*).

FEUILLE D'AVIS.

Numéro d'ordre de la dépêche
expédiée par le paquebotNombre de sacs ou paquets
composant l'envoiDépêche (* envoi) du Bureau d'Échange d
pour le Bureau d'Échange dDépart du , 189 , à h. m. du
Arrivée le , 189 , à h. m. du

objets recommandés { inscrits au Tableau ci-dessous.
inscrits sur _____ listes
distinctes.

_____ paquets ou sacs d'objets recommandés.

_____ objets recommandés en dehors des paquets.

_____ envois à remettre par exprès.

_____ paquets de valeurs déclarées pesant { _____ grammes.
_____ grammes.

(Timbre du bureau
expéditeur.)(Timbre du bureau
destinataire.)

I. LISTE des Envois recommandés.

Numéros d'Ordre.	Timbres d'Origine.	Noms des Destinataires.	Lieux de Destination.	Observations.
1	2	3	4	5
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				

ADMINISTRATION DES POSTES

D

CORRESPONDANCE AVEC L'OFFICE

D

(D.)

BULLETIN DE VÉRIFICATION

Pour la rectification et la constatation des erreurs et irrégularités de toute nature reconnues dans la dépêche

du Bureau d'Échange d
pour le Bureau d'Échange d

• expédition du , 189 , à h. du .

(Timbre du bureau
expéditeur.)

(Timbre du bureau
destinataire.)

Erreurs ou Irrégularités diverses.

(Manque de la dépêche, manque d'objets recommandés ou de la feuille d'avis, dépêche spoliée, lacérée, ou en mauvais état, &c.).

A , le , 189 .

A , le 189 .

Vu et accepté :

*Les employés du Bureau d'Échange
destinataire :*

*Le Chef du Bureau d'Échange
expéditeur :*

ADMINISTRATION DES POSTES

(Timbre du Bureau
expéditeur.)

D

(E) (recto).

BUREAU D

*Renseignements à fournir en cas de réclamation d'un objet de
correspondance ordinaire non parvenu.*

I. Par le Réclamant (Expéditeur ou Destinataire).

Demandes.	Réponses.
(a.) Nature de l'envoi (lettre, carte postale, journal ou autre imprimé, échantillon ou paquet de papiers d'affaires)	
(b.) Quelle était l'adresse de l'envoi? .	
(c.) Quelle est l'adresse exacte du destinataire?	
(d.) L'envoi était-il volumineux? ..	
(e.) Que renfermait-il? (Signalément aussi exact et complet que possible.)	
(f.) Date précise ou approximative du dépôt à la poste	
(g.) Nom et domicile de l'expéditeur.	
(h.) En cas de recherches fructueuses, à qui, de l'envoyeur ou du destinataire, doit-on faire parvenir l'envoi réclamé?	

II. Par l'Expéditeur.

i.) Était-il affranchi et, dans l'affirmative, quelle était la valeur des timbres-poste apposés? ..	
j.) Date et heure du dépôt à la poste	
k.) Le dépôt a-t-il eu lieu au guichet ou à la boîte? Dans ce dernier cas, à quelle boîte?	
l.) Le dépôt a-t-il été effectué par l'envoyeur lui-même ou par un tiers? Dans ce dernier cas, par quelle personne?	
m.) Renseignements particuliers du bureau d'origine	
n.) Renseignements du 1 ^{er} bureau intermédiaire	
o.) Renseignements du 2 ^e bureau intermédiaire	

La présente formule doit être renvoyée à

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K

ADMINISTRATION DES POSTES

D

(Timbre du Bureau
destinataire.)(E) (*verso*).

BUREAU D

III. Renseignements à fournir par le destinataire en cas de réclamation
d'un objet de correspondance ordinaire non parvenu.

Demandes.	Réponses.
(p.) L'envoi est-il parvenu au destinataire ?	
(q.) Les correspondances sont-elles d'ordinaire retirées au bureau de poste ou distribuées à domicile ?	
(r.) A qui sont-elles confiées dans le premier cas ?	
(s.) Dans le second cas, sont-elles remises directement au destinataire ou à une personne attachée à son service ; ou bien déposées dans une boîte particulière ? Le cas échéant, cette boîte est-elle bien fermée et régulièrement levée ?	
(t.) La perte des correspondances s'est-elle déjà produite souvent ? Dans le cas affirmatif, indiquer d'où provenaient les correspondances perdues	
(u.) Renseignements particuliers du bureau de destination ..	

La présente formule doit être renvoyée à

ADMINISTRATION DE
BUREAU DE

(Timbre du Bureau
d'origine.)

(F) (*recto*).

RÉCLAMATION

A remplir dans le service d'origine.

d'un objet recommandé ()^{*}
ou d'un envoi de valeur déclarée de ()[†]
contenant ()[‡]
déposé par M.
sous le No. au bureau de à l'adresse
suivante :—

et faisant l'objet d'une demande d'avis de réception

§
||

L'envoi désigné ci-dessus a été expédié dans la dépêche du Bureau
d'Echange de du , 18 (* envoi)
pour le Bureau d'Echange de

Il a été inscrit sous le No. du Tableau (I) de la feuille d'avis.
de la feuille d'envoi No. .

A remplir dans le service de destination—

En cas de
distribution.

Le Soussigné déclare que l'envoi susmentionné a été dûment
livré à l'ayant droit le .

(Timbre du bureau distributeur.)

Le Chef du bureau distributeur.

En cas de
non-distribution.

Le Soussigné déclare que l'envoi susmentionné
est encore en instance au bureau de ,
a été renvoyé au bureau d'origine le ,
a été réexpédié le à ,
n'est pas parvenu au bureau de destination.

(Timbre du bureau de destination.)

Le Chef du bureau de destination.

* Lettre, échantillon, imprimé, &c.

† Lettre ou boîte.

‡ Description du contenu autant que possible.

§ Cadre à remplir par l'expéditeur ou, à défaut, par le bureau d'origine.

|| Biffer, le cas échéant.

(F) (*verso*).

L'envoi désigné d'autre part a été inséré dans la dépêche du Bureau
d'Échange de _____ du _____, 18 (* entr.)
pour le Bureau d'Échange de _____

Il a été inscrit sous le No. _____ du Tableau (I) de la feuille d'avis.
de la feuille d'envoi.

(Timbre à date.)

(Signature.)

L'envoi désigné d'autre part a été inséré dans la dépêche du Bureau
d'Échange de _____ du _____, 18 (* entr.)
pour le Bureau d'Échange de _____

Il a été inscrit sous le No. _____ du Tableau (I) de la feuille d'avis.
de la feuille d'envoi.

(Timbre à date.)

(Signature.)

L'envoi désigné d'autre part a été inséré dans la dépêche du Bureau
d'Échange de _____ du _____, 18 (* entr.)
pour le Bureau d'Échange de _____

Il a été inscrit sous le No. _____ du Tableau (I) de la feuille d'avis.
de la feuille d'envoi.

(Timbre à date.)

(Signature.)

RÉPONSE DÉFINITIVE

de l'office de destination ou, le cas échéant, de l'office intermédiaire qui ne peut
établir la transmission régulière de l'envoi réclamé à l'office suivant.

A remplir dans les services intermédiaires.

ADMINISTRATION DES POSTES DE

(G) (*recto*).

DEMANDE DE RETRAIT OU DE RECTIFICATION D'ADRESSE.*

Réclamation par voie postale.

(Note à transmettre sous pli recommandé et aux frais du réclamant.)

I. DEMANDE DE RETRAIT.

Prière de renvoyer au bureau de [d'origine]
 pour être remis à l'expéditeur, l [nature de l'objet]
 adressé à votre bureau le , 189 , et dont la
 suscription est conforme au fac-similé ci-joint.

A , le , 189 .

(Timbre du bureau.)

Le des Postes,

II. DEMANDE DE RECTIFICATION D'ADRESSE.

Prière de substituer [telle indication]
 à [telle autre indication] sur la suscription
 de l [nature de l'objet] adressé à votre bureau
 le , 189 , du bureau de , et dont la suscription
 est conforme au fac-similé ci-joint.

A , le , 189 .

(Timbre du bureau.)

Le des Postes,

* Biffer le *recto* ou le *verso*, suivant le cas.

(G) (verso).

Réclamation par voie télégraphique.

(Télégramme aux frais du réclamant.)

I. DEMANDE DE RETRAIT.

Renvoyer à origine [tel objet] adressé
 [ce jour ou le] à M. [Adresse exacte du destinataire].

Griffe : _____ [Situation et description].
 Cachet : _____ [Description].
 Suscription : _____ [Format et couleur de l'envoi].
 Particularités : _____ [Annotations et signes de toute nature].

(Timbre du bureau.)

(Signature.)

Receveur des Postes.

II. DEMANDE DE RECTIFICATION D'ADRESSE.*

Substituer [telle indication] à
 [telle autre indication] sur l'adresse de l [nature de l'objet]
 expédié [ce jour ou le] à votre bureau pour
 M. [Adresse exacte du destinataire].

Griffe : _____ [Situation et description].
 Cachet : _____ [Description].
 Suscription : _____ [Format et couleur de l'envoi].
 Particularités : _____ [Annotations et signes de toute nature].

(Timbre du bureau.)

(Signature.)

Receveur des Postes.

* N.B.—Il ne peut être satisfait à cette demande qu'après réception du fac-similé par la poste.

ADMINISTRATION DES POSTES D

(Timbre à date du bureau de destination.)

(1.)

PROCÈS-VERBAL

dressé à _____ par l'application de l'Article XVIII de la Convention de l'Union Postale Universelle et de l'Article XXX du Règlement de détail et d'ordre pour l'exécution de cette Convention.

Emploi d'un timbre-poste frauduleux.

L'an 18 _____, le _____, nous soussigné _____ des postes à _____, agissant en vertu de l'Article XVIII de la Convention de l'Union Postale Universelle et de l'Article XXX du Règlement de détail et d'ordre pour l'exécution de cette Convention, et assistant à la vérification d' _____ * expédié le _____ de _____ à l'adresse de M. _____ à _____, pesant _____ et affranchi à raison de _____, avons constaté que cet envoi revêtu d'un timbre-poste présumé frauduleux, ce qui constitue la contravention prévue par l'Article XVIII de la Convention précitée.

Le destinataire nous a déclaré† { qu'il refusait de faire connaître l'expéditeur
que l'expéditeur lui est inconnu
que l'expéditeur est M.‡

En conséquence, nous lui avons remis _____

nous avons saisi _____

à l'effet de les transmettre à l'Administration des Postes d _____

De quoi nous avons dressé le présent procès-verbal en simple expédition pour qu'il y soit donné suite conformément à l'Article XVIII de la Convention et à l'Article XXX du Règlement susmentionnés.

(Signature du destinataire ou du
fondé de pouvoirs.)

(Signature du
des Postes.)

* Nature de l'envoi (lettre, échantillon, imprimé, papiers d'affaires, &c.).

† Biffer, suivant le cas, l'une ou l'autre de ces indications.

‡ Nom et adresse du contrevenant (s'il habite une grande ville, indiquer rue et le numéro de la maison).

(K.)
TABLEAU STATISTIQUE du Service Postal en
 , année 18 .

1	Année.	I.		II. Organisation des Postes.					c
2	Superficie en kilomètres carrés.	3	Nombre des habitants (d'après le recensement de .)	Nombre des Bureaux de Poste.					Total des bureaux de poste.
				A l'Intérieur.					
4	Bureaux chargés de la réception et de la distribution des envois de poste de toute nature.	5	Bureaux dont les attributions de réception et de distribution d'envois de poste sont restreintes.	6	Autres bureaux établis pour l'expédition de mailles.	7	Bureaux ambulants, comptes d'après le nombre des convois de chaque route accompagnés de bureaux de poste.	8	A l'étranger.

II. Organisation des Postes.

Année.	10	11	12	13	14	15	16
Nombre des Administrations des Postes régionales.		Établissements aux bureaux de poste, dans les villes et localités pourvues d'un bureau de poste.	Établissements dans les communes rurales.	Pavées, macadamisées, et ordinaires.	Ferrées.	Maritimes, fluviales, et des lacs.	Total des boîtes aux lettres.
Nombre des boîtes aux lettres à l'usage du public.							
Mobiles, adaptées aux voitures circulant sur des routes, &c.							

II. Organisation des Postes.

Année.	Nombre des Fonctionnaires et des Employés.				Nombre des Facteurs et autres Agents subalternes.				Total du personnel.			
	17	18	19	20	21	22	23	24	25	26	27	28
	Service de l'Administration Centrale.	Service des Administrations Régionales.	Service des Bureaux de Poste.	Total.	Service de l'Administration Centrale.	Service des Administrations Régionales.	Service des Bureaux de Poste.	Total.	Nombre des Maîtres de Poste (à l'exclusion de ceux qui sont en même temps préposés de bureaux).	Nombre des postillons.	Nombre des entrepreneurs du transport des malles.	

II. Organisation des Postes.

Année.	Étendue des routes postales exploitées à l'Intérieur.				Nombre des Kilomètres parcourus annuellement à l'Intérieur.			
	40	41	42	43	44	45	46	47
	Sur voies ferrées. Kilomètres.	Sur voies pavées, macadamisées, et ordinaires. Kilomètres.	Sur voies maritimes, fluviales, et des lacs. Kilomètres.	Total. Kilomètres.	Sur les voies ferrées. Kilomètres.	Sur les voies pavées, macadamisées, et ordinaires. Kilomètres.	Sur les voies maritimes, fluviales, et des lacs. Kilomètres.	Total. Kilomètres.

Année.	Service intérieur ..				Service international— (a.) Réception .. (b.) Expédition .. (c.) Transit ..													
	56	Lettres. Nombre.	57	Autres objets. Nombre.	58	Totaux des envois inscrits aux Colonnes 49-57. Nombre.	59	Envois recommandés trouvés par les correspondances inscrites aux Colonnes 49-57. Nombre.	60	Dans le nombre des correspondances inscrites à la Colonne 58 étaient remettre par expès. Nombre.	61	Dans le nombre des correspondances inscrites à la Colonne 59 donnaient lieu à avis de réception. Nombre.	62	Colis ordinaires. Nombre.	63	Nombre.	64	Valeur. Francs.

* The words "et boîtes" were inadvertently omitted from the Form (K) attached to the Regulations actually signed.

III. Service Postal.

Année.	Colis avec déclaration de valeur.	Remboursements.							
		Objets de correspondances.				Remboursements refusés.			
		66	67	68	69	70	71	72	
		Nombre.	Valeur. Francs.	Objets de correspondances. Nombre.	Colis. Nombre.	Montant total des remboursements. Francs.	Nombre.	Montant. Francs.	
	Service intérieur ..								
	Service international—								
	(a.) Réception ..								
	(b.) Expédition ..								
	(c.) Transit ..								

III. Service Postal.

Année.	81						
		Service intérieur ..	Service international— (a.) Réception .. (b.) Expédition .. (c.) Transit ..	82	83	84	85
				Accompagnés d'avis de paiement. Nombre.	A remettre par exprès. Nombre.	Nombre des exemplaires.	Nombre des numéros.
						Nombre.	Valeur. Francs.
							Produit de la vente des timbres-poste et autres formules d'affranchissement.
							Nombre des estafettes expédiées.
							Nombre des voyageurs transportés.
							86
							87
							88
							89
							90
							Nombre des dépêches closes en transit.

Correspondances renvoyées de l'étranger qui sont restées en souffrance.					Correspondances de l'étranger tombées en rebut et renvoyées aux pays d'origine.				
116	Lettres ordinaires et lettres recommandées.	117	Cartes postales simples et cartes postales avec réponse payée.	118	Imprimés.	119	Papiers d'affaires.	120	Échantillons.
121	Lettres ordinaires et lettres recommandées.	122	Cartes postales simples et cartes postales avec réponse payée.	123	Imprimés.	124	Papiers d'affaires.	125	Échantillons.

V. I.

Recettes.	Pour l'Exe 18
	Fr. c.
1. Produit de la vente des timbres-poste et des formules d'affranchissement	
2. Recettes effectuées en numéraire	
3. Taxes perçues pour le transport des voyageurs et pour surpoids de bagages	
4. Bonifications reçues des Administrations étrangères ..	
5. Autres recettes diverses	
Total des recettes	

Dépenses.	Pour l'Exercice 18 .	
	Fr.	c.
et émoluments—		
fonctionnaires et employés		
acteurs et autres agents subalternes ..		
entretien des bâtiments et du matériel des is de location, de chauffage, et d'éclairage, s de bureau, et autres menus frais ..		
ports par les voies ferrées, pavées, maca- maritimes et fluviales (y compris les frais ction et d'entretien des voitures de poste)		
our pertes ou avaries d'envois de poste ..		
aux entrepreneurs de relais de poste ..		
aux Compagnies de Navigation		
payées aux Administrations étrangères ..		
ses diverses		
tal des dépenses		

ADMINISTRATION DES POSTES D

(L.) TABLEAU STATISTIQUE du Service L

Pays.	Envois sou		
	Lettres.		Ca
	Afranchies. Nombre.	Non afranchies. Nombre.	Simple. Nombre.
1	2	3	4
<i>Europe.</i>			
Allemagne			
Autriche-Hongrie			
Belgique			
<i>Amérique.</i>			
Argentine (République) ..			
Brésil			
Canada			
Chili			
<i>Afrique.</i>			
Égypte			
Libéria			
<i>Asie.</i>			
Inde Britannique			
Japon			
Totaux			

Pays.	Totaux des envois inscrits aux Colonnes 2-9. Nombre.	Envois recommandés trouvés parmi les correspondances inscrites aux Colonnes 2-9. Nombre.	Dans le nombre des correspondances inscrites à la Colonne 10 étaient à remettre par expresse. Nombre.
	10	11	12
<i>Europe.</i>			
Allemagne			
Autriche-Hongrie			
Belgique			
<i>Amérique.</i>			
Argentine (République) ..			
Brésil			
Canada			
Chili			
<i>Afrique.</i>			
Égypte			
Libéria			
<i>Asie.</i>			
Inde Britannique			
Japon			
Totaux			

* The words "et boîtes" were inadvertently omitted from

attached to the Regulations actually signed.

Pays.	Remboursements.				
	Objets de correspon- dance. Nombre.	Colis. Nombre.	Montant total des remboursements. Francs.	Rembourse- ments reçus	
				Nombre.	Montant. Francs.
	19	20	21	22	23
<i>Europe.</i>					
Allemagne					
Autriche-Hongrie					
Belgique					
<i>Amérique.</i>					
Argentine (République) ..					
Brésil					
Canada					
Chili					
<i>Afrique.</i>					
Égypte					
Libéria					
<i>Asie.</i>					
Inde Britannique					
Japon					
Totaux					

Pays.	Dans le nombre des envois inscrits à la Colonne 26.		Journaux, &c., servis par abonnement. Nombre.
	Donnaient lieu à avis de payement. Nombre.	Étaient à remettre par expresse. Nombre.	
<i>Europe.</i>	29	30	31
Allemagne			
Autriche-Hongrie			
Belgique			
<i>Amérique.</i>			
Argentine (République) ..			
Brésil			
Canada			
Chili			
<i>Afrique.</i>			
Égypte			
Libéria			
<i>Asie.</i>			
Inde Britannique . ..			
Japon			
Totaux			

*NATIONAL SANITARY CONVENTION between
Britain, Austria-Hungary, Belgium, France, Germany,
* Italy, Luxemburg, Montenegro, the Netherlands,
Portugal,* Roumania, Russia, Servia,* Switzerland,
and Turkey.*—Signed at Venice, March 19, 1897.*

[Ratifications deposited at Rome.*]

esté la Reine du Royaume-Uni de la Grande-Bretagne et
Impératrice des Indes; Sa Majesté l'Empereur d'Alle-
de Prusse, au nom de l'Empire Allemand; Sa Majesté
d'Autriche, Roi de Bohême, &c., &c., et Roi Apostolique
; Sa Majesté le Roi des Belges; Sa Majesté le Roi
et, en son nom, Sa Majesté la Reine-Régente du Royaume;
t de la République Française; Sa Majesté le Roi des
Sa Majesté le Roi d'Italie; Son Altesse Royale le Grand-
xembourg; Son Altesse le Prince de Monténégro; Sa
Empereur des Ottomans; Sa Majesté la Reine des Pays-
son nom, Sa Majesté la Reine-Régente du Royaume; Sa
Schah de Perse; Sa Majesté le Roi du Portugal et des
Sa Majesté le Roi de Roumanie; Sa Majesté l'Empereur
des Russies; Sa Majesté le Roi de Serbie; le Conseil
isse, ayant décidé de se concerter en vue de régler les
prendre pour prévenir l'invasion et la propagation de
la surveillance sanitaire à établir à cet effet dans la Mer
dans le Golfe Persique, ont nommé pour leurs
naires, savoir:

esté la Reine du Royaume-Uni de la Grande-Bretagne
e, Impératrice des Indes, l'Honorable M. Michael Herbert,
a de l'Ordre du Bain, son Secrétaire d'Ambassade;
R. Thorne-Thorne, Compagnon de l'Ordre du Bain,
a Section Médicale du Local Government Board;
Cleghorn, Chirurgien Général, Directeur-Général du
dical des Indes Britanniques; Mr. J. Lane Notter, Chirur-
nel du Service Médical Militaire, Professeur d'Hygiène
l'École de Médecine Militaire de Netley; Mr. H. Farnall,
a de l'Ordre de Saint-Michel et Saint-George, Secrétaire
re des Affaires Étrangères à Londres;
esté l'Empereur d'Allemagne, Roi de Prusse, au nom de
Allemand, M. Otto de Mühlberg, son Conseiller Actuel

Convention was not ratified by Greece, Portugal, Servia, and Turkey.
Verbal of October 31, 1899, page 206.

Intime de Légation ; M. Curt Lehmann, son Conseiller Actuel de Légation ;

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., &c., et Roi Apostolique de Hongrie, M. le Comte Henri de Lützow, son Chambellan et Envoyé Extraordinaire et Ministre Plénipotentiaire à Dresde ; M. le Chevalier A. de Suzzara, Conseiller Aulique et Ministériel au Ministère Impérial et Royal des Affaires Étrangères ; M. le Dr. Chevalier de Kusý, Conseiller Ministériel au Ministère Impérial et Royal de l'Intérieur et Conseiller Supérieur de Santé ; M. N. Ebner d'Ebenthal, Conseiller Ministériel au Ministère Impérial et Royal du Commerce ; M. le Dr. Chyzer, Conseiller Ministériel et Chef de la Section Sanitaire au Ministère Royal Hongrois de l'Intérieur ; M. E. Roediger, Conseiller de Section au Ministère Royal Hongrois du Commerce ;

Sa Majesté le Roi des Belges, M. Beco, Secrétaire-Général de son Ministère de l'Agriculture et des Travaux Publics, Commandeur de l'Ordre Royal de Léopold, &c. ; M. le Dr. E. van Ermengem, Professeur d'Hygiène et de Bactériologie à l'Université de Gand, Officier de l'Ordre Royal de Léopold.

Sa Majesté le Roi d'Espagne et, en son nom, Sa Majesté la Reine-Régente du Royaume, Don Silverio Baguer de Corsi y Rivas, Comte de Baguer, son Ministre Résident ; M. le Dr. Calvo y Martin, Professeur de la Faculté de Médecine, Conseiller de l'Instruction Publique, Sénateur du Royaume à Vie, Membre de l'Académie Royale de Médecine de Madrid, Grand Cordon de première classe d'Isabelle la Catholique, Commandeur de l'Ordre de Charles III ; Don Manuel Alonso Sañudo, Professeur de la Clinique Médicale de la Faculté de Madrid et Membre de l'Académie Royale de Médecine de Saragosse ;

Le Président de la République Française, M. Camille Barrère, Ambassadeur de la République Française près la Confédération Suisse, Commandeur de l'Ordre National de la Légion d'Honneur ; M. le Professeur Brouardel, Président du Comité Consultatif d'Hygiène Publique de France, doyen de la Faculté de Médecine de Paris, Membre de l'Académie des Sciences, Membre de l'Académie de Médecine, Commandeur de l'Ordre National de la Légion d'Honneur ; M. le Professeur Proust, Inspecteur-Général des Services Sanitaires, Professeur d'Hygiène à la Faculté de Médecine de Paris, Membre de l'Académie de Médecine, Commandeur de l'Ordre National de la Légion d'Honneur ;

Sa Majesté le Roi des Hellènes, M. le Dr. Zancarol, son Délégué au Conseil Sanitaire, Maritime, et Quarantenaire d'Égypte, Commandeur de l'Ordre National du Sauveur ;

Sa Majesté le Roi d'Italie, M. le Comte Lelio Bonin-Langare, son Sous-Secrétaire d'État pour les Affaires Étrangères ; M. le Pro-

toliquido, Chef de Division pour la Santé Publique
Royal de l'Intérieur; M. le Dr. Foa, Professeur
thologique à l'Université de Turin;

le Royale le Grand-Duc de Luxembourg, M. Beco,
éral du Ministère de l'Agriculture et des Travaux
elgique; M. le Dr. van Ermengem, Professeur
e Bactériologie à l'Université de Gand;

le Prince de Monténégro, M. le Comte H. de Lützwow,
rdinaire et Ministre Plénipotentiaire de Sa Majesté
oi Apostolique en Saxe;

l'Empereur des Ottomans, M. le Dr. Cozzonis Effendi,
énéral de l'Administration Sanitaire de l'Empire
d Cordon de l'Ordre du Medjidié, Grand Officier de
manié, &c.;

la Reine des Pays-Bas et, en son nom, Sa Majesté
te du Royaume, le Jonkheer P. J. F. M. van der
bois, Agent Politique et Consul-Général des Pays-
, Chevalier de l'Ordre du Lion Néerlandais: M. le
onseiller au Ministère de l'Intérieur, Chevalier de
Néerlandais;

le Schah de Perse, M. le Dr. Panayote Bey, Délégué
onseil Supérieur de Santé à Constantinople, Com-
ndres Impériaux du Lion et Soleil, de l'Osmanie et

le Roi de Portugal et des Algarves, M. A. D.
es, son Chargé d'Affaires *ad interim* en Italie; M. le
homaz de Sousa-Martins, ancien membre du Comité
té, Professeur de Pathologie Générale, Commandeur
onal de Saint-Jacques de l'Épée;

le Roi de Roumanie, M. A. E. Lahovary, son Envoyé
et Ministre Plénipotentiaire près Sa Majesté le Roi
andeur de l'Ordre Royal de la Couronne, &c.;

l'Empereur de Toutes les Russies, M. Alexandre
onseiller Privé et Envoyé Extraordinaire et Ministre
près la Confédération Suisse; M. le Dr. Loukianow,
at actuel, Directeur de l'Institut Impérial de Méde-
tale;

le Roi de Serbie, M. Milan Jovanovitch Batut,
ygiène Publique à la Faculté des Sciences de

Fédéral Suisse, M. Gaston Carlin, son Envoyé
et Ministre Plénipotentiaire près Sa Majesté le Roi
e Dr. F. Schmid, Directeur du Bureau Sanitaire

ant échangé leurs pleins pouvoirs, trouvés en bonne
xxix.] M

et due forme, sont convenus des dispositions suivantes touchant les régions contaminées de peste, ainsi qu'à l'égard des provenances de ces régions :—

I. Sont adoptées les mesures indiquées et précisées dans le "Règlement Sanitaire Général pour prévenir l'Invasion et la propagation de la Peste," annexé à la présente Convention, lequel a la même valeur que s'il y était incorporé.

II. Il sera recommandé aux autorités compétentes du Royaume d'appliquer, dans les ports de ce pays, des mesures en harmonie avec celles prévues dans le Règlement susmentionné.

III. Les pays qui n'ont pas pris part à la Conférence ou qui n'ont pas signé la Convention pourront y accéder sur demande.

Cette adhésion sera notifiée, par la voie diplomatique, au Gouvernement Royal d'Italie et, par celui-ci, aux autres Gouvernements Signataires.

IV. La présente Convention aura une durée de cinq ans à compter de l'échange des ratifications. Elle sera renouvelée pour cinq en cinq années, par tacite réconduction, à moins que l'une des Hautes Parties Contractantes n'ait notifié six mois avant l'expiration de la dite période de cinq années son intention d'en faire cesser les effets.

Dans le cas où l'une des Puissances dénoncerait la Convention, cette dénonciation n'aurait d'effet qu'à son égard.

V. Les Hautes Parties Contractantes se réservent la faculté de provoquer, par la voie diplomatique, les modifications qu'elles jugeraient nécessaires d'apporter à la Convention ou à l'Annexe.

La présente Convention sera ratifiée; les ratifications en seront déposées à Rome le plus tôt possible, et au plus tard dans le délai d'un an à dater du jour de la signature.

En foi de quoi les Plénipotentiaires respectifs l'ont signé et ont apposé leurs cachets.

Fait à Venise, en dix-huit exemplaires, le 19 Mars, 1897.

(L.S.) MICHAEL H. HERBERT

(L.S.) R. THORNE-THORNE

(L.S.) JAMES CLEGHORN.

(L.S.) J. LANE NOTTER.

(L.S.) H. FARNALL.

(L.S.) MÜHLBERG.

(L.S.) LEHMANN.

(L.S.) H. LÜTZOW.

(L.S.) SUZZARA.

(L.S.) DR. DE KUSY.

(L.S.) EBNER.

- (L S) CHYZER.
- (L.S.) ROEDIGER.
- (L.S.) E. BECO.
- (L.S.) DR. VAN ERMENGEM.
- (L.S.) COMTE DE BAGUER.
- BAGUER (pour les Drs. Calvo et Sañudo).
- (L.S.) CAMILLE BARRÈRE.
- (L.S.) P. BROUARDEL.
- (L.S.) A. PROUST.
- (L.S.) G. ZANCAROL.
- (L.S.) BONIN.
- (L.S.) ROCCO SANTOLIVIDO.
- (L.S.) PIO FOA.
- (L.S.) E. BECO.
- (L.S.) DR. VAN ERMENGEM.
- (L.S.) H. LÜTZOW.
- (L.S.) DR. COZZONIS.
- (L.S.) DR. RUYSCH.
- (L.S.) PANAYOTE.
- (L.S.) A. D. DE OLIVEIRA SOARES.
- (L.S.) J. T. DE SOUSA-MARTINS.
- (L.S.) A. EM. LAHOVARY.
- (L.S.) A. YONINE.
- (L.S.) S. LOUKIANOW.
- (L.S.) DR. M. JOVANOVITCH BATUT.
- (L.S.) CARLIN.
- (L.S.) DR. SCHMID.

(Translation.)

esty the Queen of the United Kingdom of Great
 Ireland, Empress of India; His Majesty the German
 ng of Prussia, in the name of the German Empire;
 the Emperor of Austria, King of Bohemia, &c., and
 ing of Hungary; His Majesty the King of the
 s Majesty the King of Spain, and, in his name, Her
 Queen-Regent of the Kingdom; the President of the
 blic; His Majesty the King of the Hellenes; His
 King of Italy; His Royal Highness the Grand Duke
 rg; His Highness the Prince of Montenegro; His
 Emperor of the Ottomans; Her Majesty the Queen of
 nds, and, in her name, Her Majesty the Queen-Regent
 lom; His Majesty the Shah of Persia; His Majesty
 Portugal and the Algarves; His Majesty the King of
 His Majesty the Emperor of All the Russias; His

Majesty the King of Servia; and the Swiss Federal Council, has decided to come to an understanding with a view of determining measures to be taken to prevent the invasion and propagation of plague, and the sanitary supervision to be established with object in the Red Sea and Persian Gulf, have named as Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Honourable Mr. Herbert, Companion of the Order of the Bath, her Secretaries of Embassy; Dr. R. Thorne-Thorne, Companion of the Order of the Bath, Chief Medical Officer of the Local Government Board; Mr. James Cleghorn, Surgeon-General, Director-General of the British Indian Medical Service; Mr. J. Lane Nottter, Surgeon-Colonel, Army Medical Service, Professor of Military Hygiene at the Army Medical School at Netley; Mr. H. Farnall, Companion of the Order of St. Michael and St. George, Clerk in the Foreign Office, London;

His Majesty the German Emperor, King of Prussia, in the name of the German Empire, M. Otto de Mühlberg, his Actual Councillor of Legation; M. Curt Lehmann, his Actual Councillor of Legation;

His Majesty the Emperor of Austria, King of Bohemia, Apostolic King of Hungary, Count Henry de Lützow, his Chamberlain and Envoy Extraordinary and Minister Plenipotentiary at Dresden; the Chevalier A. de Suzzara, Aulic and Ministerial Councillor at the Imperial and Royal Ministry of Foreign Affairs; Dr. Chevalier de Kusý, Ministerial Councillor at the Imperial and Royal Ministry of the Interior, and Superior Councillor of Health; M. N. Ebner d'Ebenthal, Ministerial Councillor at the Imperial and Royal Ministry of Commerce; Dr. Chyzer, Ministerial Councillor, and Head of the Sanitary Department of the Royal Hungarian Ministry of the Interior; M. E. Roeder, Departmental Councillor at the Royal Hungarian Ministry of Commerce;

His Majesty the King of the Belgians, M. Beco, Secretary-General of his Ministry of Agriculture and Public Works, Commander of the Royal Order of Leopold, &c.; Dr. E. van Ermengem, Professor of Hygiene and of Bacteriology at the University of Ghent, Officer of the Royal Order of Leopold;

His Majesty the King of Spain, and, in his name, Her Majesty the Queen-Regent of the Kingdom, Don Silverio Baguer de Sotomayor y Rivas, Count de Baguer, his Minister Resident; Dr. Calixto Martin, Professor of the Faculty of Medicine, Councillor of the Ministry of Instruction, Life Senator of the Kingdom, Member of the Real Academy of Medicine of Madrid, Grand Cordon of the first

Don Isabella the Catholic, Commander of the Order of Charles III; Don Manuel Alonso Sañudo, Clinical Professor of the Faculty of Madrid, and Member of the Royal Academy of Medicine at Saragossa;

The President of the French Republic, M. Camille Barrère, Ambassador of the French Republic to the Swiss Confederation, Commander of the National Order of the Legion of Honour; Professor Brouardel, President of the Consultative Committee of Public Hygiene of France, Dean of the Faculty of Medicine of Paris, Member of the Academy of Sciences, Member of the Academy of Medicine, Commander of the National Order of the Legion of Honour; Professor Proust, Inspector-General of the Sanitary Services, Professor of Hygiene to the Faculty of Medicine of Paris, Member of the Academy of Medicine, Commander of the National Order of the Legion of Honour;

His Majesty the King of the Hellenes, Dr. Zancarol, his Delegate to the Sanitary, Maritime, and Quarantine Board of Egypt, Commander of the National Order of the Saviour;

His Majesty the King of Italy, Count Lelio Bonin-Langare, Under-Secretary of State for Foreign Affairs; Professor R. Santoguido, Head of the Department of Public Health in the Royal Ministry of the Interior; Dr. Foa, Professor of Pathological Anatomy at Turin University;

His Royal Highness the Grand Duke of Luxemburg, M. Beco, Secretary-General of the Berlin Ministry of Agriculture and Public Works; Dr. van Ermengem, Professor of Hygiene and Bacteriology at the University of Ghent;

His Highness the Prince of Montenegro, Count H. de Lützow, Envoy Extraordinary and Minister Plenipotentiary in Saxony of His Imperial Majesty and Apostolic King;

His Majesty the Emperor of the Ottomans, Dr. Cozzonis Efendi, Inspector-General of the Sanitary Administration of the Ottoman Empire, Grand Cordon of the Order of the Medjidié, Grand Officer of the Order of Osmanié, &c.;

Her Majesty the Queen of the Netherlands, and, in her name, Her Majesty the Queen-Regent of the Kingdom, Jonkheer P. J. F. M. van der Does de Willebois, Political Agent and Consul-General of the Netherlands in Egypt, Knight of the Order of the Netherland Lion; Dr. Ruysch, Councillor at the Ministry of the Interior, Knight of the Order of the Netherland Lion;

His Majesty the Shah of Persia, Dr. Pahayote Bey, Persian Delegate to the Superior Council of Health at Constantinople, Commander of the Imperial Orders of the Lion and Sun, of the Osmanli, and of the Medjidié;

His Majesty the King of Portugal and the Algarves, M. A. D.

d'Oliveira Soares, his Chargé d'Affaires *ad interim* in Italy; Professor J. Thomaz de Sousa-Martins, late Member of the Central Committee of Health, Professor of General Pathology, Commander of the National Order of St. James of the Sword;

His Majesty the King of Roumania, M. A. E. Lahovary, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Italy, Commander of the Royal Order of the Crown, &c.;

His Majesty the Emperor of All the Russias, M. Alexander Yonine, his Privy Councillor and Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation; Dr. Loukianow, Actual Councillor of State, Director of the Imperial Institute of Experimental Medicine;

His Majesty the King of Servia, M. Milan Jovanovitch Batut, Professor of Public Hygiene at the Belgrade Faculty of Sciences;

The Swiss Federal Council, M. Gaston Carlin, its Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Italy; Dr. F. Schmid, Director of the Swiss Federal Sanitary Department;

Who, having compared their full powers, found in good and due form, have agreed upon the following provisions with regard to the regions infected with plague, as well as in respect of arrivals from those regions:—

I. The measures indicated and detailed in the "General Sanitary Regulation for preventing the Introduction and Propagation of Plague," annexed to the present Convention, which have the same force as though they were embodied in it, are adopted.

II. The competent authorities of Morocco shall be recommended to carry out, in the ports of that country, measures in harmony with those provided in the above-mentioned Regulation.

III. Countries who have not taken part in the Conference, or who have not signed the Convention, may accede to it at their request.

Such accession shall be notified, through the diplomatic channel, to the Royal Government of Italy, and by the latter to the Signatory States.

IV. The present Convention shall remain in force for five years, reckoning from the deposit of ratifications. It shall be renewed quinquennially on the same conditions, without formal extension, unless one of the High Contracting Parties shall, within six months before the expiration of the above-mentioned quinquennial period, have signified its intention of no longer being bound by it.

In case one Power shall denounce the Convention, such denunciation shall only affect the Power in question.

High Contracting Parties reserve the right of suggestion through the diplomatic channel, any modifications which they may deem necessary to introduce into the Convention or into its

ent Convention shall be ratified; the ratifications shall be deposited at Rome as soon as possible, and at latest within a specified date of signature.

of which the respective Plenipotentiaries have signed it, and have affixed their seals to it.

Venice, in eighteen copies, the 19th March, 1897.

(L.S.) MICHAEL H. HERBERT.

(L.S.) R. THORNE-THORNE.

(L.S.) JAMES CLEGHORN.

(L.S.) J. LANE NOTTER.

(L.S.) H. FARNALL.

(L.S.) MÜHLBERG.

(L.S.) LEHMANN.

(L.S.) H. LÜTZOW.

(L.S.) SUZZARA.

(L.S.) DR. DE KUSY.

(L.S.) EBNER.

(L.S.) CHYZER.

(L.S.) ROEDIGER.

(L.S.) E. BECO.

(L.S.) DR. VAN ERMENGEM.

(L.S.) COMTE DE BAGUER.

BAGUER (for Drs. Calvo and
Sañudo).

(L.S.) CAMILLE BARRÈRE.

(L.S.) P. BROUARDEL.

(L.S.) A. PROUST.

(L.S.) G. ZANCAROL.

(L.S.) BONIN.

(L.S.) ROCCO SANTOLIVIDO.

(L.S.) PIO FOA.

(L.S.) E. BECO.

(L.S.) DR. VAN ERMENGEM.

(L.S.) H. LÜTZOW.

(L.S.) DR. COZZONIS.

(L.S.) DR. RUYSCH.

(L.S.) PANAYOTE.

(L.S.) A. D. DE OLIVEIRA SOARES.

(L.S.) J. T. DE SOUSA-MARTINS.

(L.S.) A. EM. LAHOVARY.

(L.S.) A. YONINE.

(L.S.) S. LOUKIANOW.

(L.S.) DR. M. JOVANOVITCH BATUT.

(L.S.) CARLIN.

(L.S.) DR. SCHMID.

RÈGLEMENT SANITAIRE GÉNÉRAL POUR PRÉVENIR L'INVASION ET
LA PROPAGATION DE LA PESTE.

CHAPITRE I.—*Mesures à prendre hors d'Europe.*

I.—*Notification.*

LES Gouvernements des pays qui adhéreront à la présente Convention notifieront télégraphiquement aux divers Gouvernements l'existence de tout cas de peste ayant apparu sur leur territoire, conformément au Titre I du Chapitre II, "Mesures à prendre en Europe."

Les Titres II, III, IV du même Chapitre II sont également applicables.

Il est désirable que, dans les autres pays, les mesures destinées à tenir les Gouvernements Signataires de la Convention au courant de l'apparition d'une épidémie de peste, ainsi que des moyens employés pour éviter sa propagation et son importation dans les pays indemnes, prévus pour l'Europe, soient également appliqués.

II.—*Police Sanitaire des Navires partant dans les Ports contaminés.*

Mesures communes aux Navires ordinaires et aux Navires à Pèlerins.

1. Visite médicale obligatoire, individuelle, fait de jour, à terre, au moment de l'embarquement, pendant le temps nécessaire, par un médecin délégué de l'autorité publique, de toute personne prenant passage à bord d'un navire.

L'autorité Consulaire dont relève le navire peut assister à cette visite.

2. Désinfection obligatoire et rigoureuse, faite à terre, sous la surveillance du médecin délégué de l'autorité publique, de tout objet contaminé ou suspect, dans les conditions de l'Article 5 du Chapitre III de l'Annexe de la présente Convention.

3. Interdiction d'embarquement de toute personne présentant des symptômes de peste.

Navires à Pèlerins.

Qu'il existe des cas de peste dans le port, l'embarque-
ra à bord des navires à pèlerins qu'après que les
réunies en groupes auront été soumises à une observa-
tion de s'assurer qu'aucune d'elles n'est atteinte de la

entendu que pour exécuter cette mesure chaque Gou-
vernement pourra tenir compte des circonstances et possibilités

Pèlerins seront tenus de justifier des moyens strictement
pour accomplir le pèlerinage à l'aller et au retour, et
sur dans les Lieux-Saints, si les circonstances locales le

Mesures à prendre à bord des Navires à Pèlerins.

Titre I.—Dispositions Générales.

1^{er}. Les prescriptions suivantes sont applicables aux
navires qui transportent au Hedjaz ou au Golfe Persique
des pèlerins Musulmans.

N'est pas considéré comme navire à pèlerins celui qui,
passagers ordinaires, parmi lesquels peuvent être compris
des classes supérieures, embarque des pèlerins de la
classe en proportion moindre d'un pèlerin par 100 tonneaux
de tonnage.

Tout navire à pèlerins, à l'entrée de la Mer Rouge et du
Golfe Persique, doit se conformer aux prescriptions contenues dans
le Règlement spécial applicable au Pèlerinage du Hedjaz," qui sera
approuvé par le Conseil de Santé de Constantinople, conformément aux
dispositions de la présente Convention.

Les navires à vapeur sont seuls admis à faire le transport
des pèlerins au long cours. Ce transport est interdit aux autres

navires à pèlerins, faisant le cabotage, destinés aux
voyages de courte durée dits "voyages au cabotage," sont soumis
aux dispositions contenues dans le Règlement spécial mentionné à

Titre II.—Mesures à prendre avant le Départ.

Le capitaine ou, à défaut du capitaine, le propriétaire
de tout navire à pèlerins est tenu de déclarer à l'autorité

compétente a décidé, par voie d'interprétation, que, dans les Indes
Orientales, cette observation pourrait se faire à bord des navires en

compétente* du port de départ son intention d'embarquer pèlerins, au moins trois jours avant le départ. Cette déclaration doit indiquer le jour projeté pour le départ et la destination du navire.

Art. 6. A la suite de cette déclaration l'autorité compétente procéder, aux frais du capitaine, à l'inspection et au mesurage du navire. L'autorité Consulaire dont relève le navire peut assister à cette inspection.

Il est procédé seulement à l'inspection si le capitaine est pourvu d'un certificat de mesurage délivré par l'autorité compétente de son pays, à moins qu'il n'y ait soupçon que le document ne réponde plus à l'état actuel du navire.

Art. 7. L'autorité compétente ne permet le départ d'un navire pèlerins qu'après s'être assurée—

(a.) Que le navire a été mis en état de propreté parfaite et de besoin, désinfecté;

(b.) Que le navire est en état d'entreprendre le voyage sans danger, qu'il est bien équipé, bien aménagé, bien aéré, pourvu d'un nombre suffisant d'embarcations, qu'il ne contient rien à bord qui soit ou puisse devenir nuisible à la santé ou à la sécurité des passagers, que le pont et l'entrepont sont en bois ou en fer recouvert de bois;

(c.) Qu'il existe à bord, en sus de l'approvisionnement de l'équipage et convenablement arrimés, des vivres ainsi que du combustible, le tout de bonne qualité et en quantité suffisante pour tous les pèlerins et pour toute la durée déclarée du voyage;

(d.) Que l'eau potable embarquée est de bonne qualité et a une origine à l'abri de toute contamination; qu'elle existe en quantité suffisante; qu'à bord, les réservoirs d'eau potable sont à l'abri de toute souillure et fermés de sorte que la distribution de l'eau puisse se faire que par les robinets ou les pompes;

(e.) Que le navire possède un appareil distillatoire pour produire une quantité d'eau de 5 litres au moins, par tête et par jour, pour toute personne embarquée, y compris l'équipage;

(f.) Que le navire possède une étuve à désinfection pour laquelle il aura été constaté qu'elle offre sécurité et efficacité;

(g.) Que l'équipage comprend un médecin diplômé et commissionné,† soit par le Gouvernement du pays auquel le navire

* L'autorité compétente est actuellement: dans les Indes Anglaises, "officer" désigné à cet effet par le Gouvernement Local ("Native Passes and Ships Act, 1887," Article 7); dans les Indes Néerlandaises, le maître du port; en Turquie, l'autorité Sanitaire; en Autriche-Hongrie, l'autorité du port; en Italie, le Capitaine de Port; en France, en Tunisie, et en Espagne, l'autorité Sanitaire; en Egypte, l'autorité Sanitaire Quarantenaire, &c.

† Exception est faite pour les Gouvernements qui n'ont pas de médecins commissionnés.

appartient, soit par le Gouvernement du port où le navire prend des pèlerins, et que le navire possède des médicaments, conformément à ce qui sera dit aux Articles 11 et 23;

(h.) Que le pont du navire est dégagé de toutes marchandises et objets encombrants;

(i.) Que les dispositions du navire sont telles que les mesures prescrites par le Titre III pourront être exécutées.

Art. 8. Le capitaine est tenu de faire apposer à bord, dans un endroit apparent et accessible aux intéressés, des affiches rédigées dans les principales langues des pays habités par les pèlerins à embarquer, et indiquant—

1. La destination du navire;
2. La ration journalière en eau et en vivres allouée à chaque pèlerin;
3. Le tarif des vivres non compris dans la distribution journalière et devant être payés à part.

Art. 9. Le capitaine ne peut partir qu'autant qu'il a en main—

1. Une liste visée par l'autorité compétente et indiquant le nom, le sexe, et le nombre total des pèlerins qu'il est autorisé à embarquer;
2. Une patente de santé constatant le nom, la nationalité, et le tonnage du navire, le nom du capitaine, celui du médecin, le nombre exact des personnes embarquées : équipage, pèlerins, et autres passagers, la nature de la cargaison, le lieu du départ.

L'autorité compétente indiquera sur la patente si le chiffre réglementaire des pèlerins est atteint ou non, et, dans le cas où il ne le serait pas, le nombre complémentaire des passagers que le navire est autorisé à embarquer dans les escales subséquentes.

Art. 10. L'autorité compétente est tenue de prendre des mesures efficaces pour empêcher l'embarquement de toute personne ou de tout objet suspect,* suivant les prescriptions faites sur les précautions à prendre dans les ports.

Titre III.—*Précautions à prendre pendant la Traversée.*

Art. 11. Chaque navire embarquant des pèlerins doit avoir à bord un médecin régulièrement diplômé et commissionné par le Gouvernement du pays auquel le navire appartient ou par le Gouvernement du port où le navire prend des pèlerins. Un second médecin doit être embarqué dès que le nombre des pèlerins portés par le navire dépasse 1,000.

Art. 12. Le médecin visite les pèlerins, soigne les malades et

* Voyez Chapitre IV, Titre I, Articles 1 et 2, de la présente Convention (page 203).

veille à ce que, à bord, les règles de l'hygiène soient observées. Il doit notamment :

1. S'assurer que les vivres distribués aux pèlerins sont de bonne qualité, que leur quantité est conforme aux engagements pris, qu'ils sont convenablement préparés.

2. S'assurer que les prescriptions de l'Article 20 relatif à la distribution de l'eau sont observées.

3. S'il y a doute sur la qualité de l'eau potable, rappeler par écrit au capitaine les prescriptions de l'Article 21.

4. S'assurer que le navire est maintenu en état constant de propreté, et spécialement que les latrines sont nettoyées conformément aux prescriptions de l'Article 18.

5. S'assurer que les logements des pèlerins sont maintenus salubres, et que, en cas de maladie transmissible, la désinfection est faite comme il sera dit à l'Article 19.

6. Tenir un journal de tous les incidents sanitaires survenus au cours du voyage et présenter ce journal à l'autorité compétente du port d'arrivée.

Art. 13. Le navire doit pouvoir loger les pèlerins dans l'entrepont.

En dehors de l'équipage le navire doit fournir à chaque individu, quel que soit son âge, une *surface de 1.50 mètres carrés, c'est-à-dire, 16 pieds carrés Anglais, avec une hauteur d'entrepont d'environ 1 m. 80 centim.*

Pour les navires qui font le cabotage, chaque pèlerin doit disposer d'un espace *d'au moins 2 mètres de largeur* dans le long des plats-bords du navire.

Art. 14. Le pont doit, pendant la traversée, rester dégagé des objets encombrants ; il doit être réservé jour et nuit aux personnes embarquées et mis gratuitement à leur disposition.

Art. 15. Les gros bagages des pèlerins sont enregistrés, numérotés, et placés dans la cale. Les pèlerins ne peuvent garder avec eux que les objets strictement nécessaires. Les règlements faits pour ses navires par chaque Gouvernement en détermineront la nature, la quantité, et les dimensions.

Art. 16. Chaque jour les entreponts doivent être nettoyés avec soin et frottés au sable sec, avec lequel on mélangera des désinfectants, pendant que les pèlerins seront sur le pont.

Art. 17. De chaque côté du navire, sur le pont, doit être réservé un endroit dérobé à la vue et pourvu d'une pompe à main, de manière à fournir de l'eau de mer, pour les besoins des pèlerins. Un local de cette nature doit être exclusivement affecté aux femmes.

Art. 18. Le navire doit être pourvu, outre les lieux d'aisance à l'usage de l'équipage, de latrines à effet d'eau dans la proportion

l'au moins une latrine pour chaque centaine de personnes embarquées.

Des latrines doivent être affectées exclusivement aux femmes.

Aucun lieu d'aisance ne doit exister dans les entreponts ni dans la cale.

Les latrines destinées aux passagers, aussi bien que celles affectées à l'équipage, doivent être tenues proprement, nettoyées et désinfectées trois fois par jour.

Art. 19. La désinfection du navire doit être faite conformément aux prescriptions des Nos. 5 et 6 du Chapitre III de l'Annexe de la présente Convention.

Art. 20. La quantité d'eau potable mise chaque jour gratuitement à la disposition de chaque pèlerin, quel que soit son âge, doit être d'au moins 5 litres.

Art. 21. S'il y a doute sur la qualité de l'eau potable ou sur la possibilité de sa contamination, soit à son origine, soit au cours du trajet, l'eau doit être bouillie ou autrement stérilisée, et le capitaine est tenu de la rejeter à la mer au premier port de relâche où il lui sera possible de s'en procurer de meilleure.

Art. 22. Le navire doit être muni de deux locaux affectés à la cuisine personnelle des pèlerins. Il est interdit aux pèlerins de faire du feu ailleurs, notamment sur le pont.

Art. 23. Chaque navire doit avoir à bord des médicaments et les objets nécessaires aux soins des malades. Les règlements faits pour ces navires par chaque Gouvernement détermineront la nature et la quantité des médicaments. Les soins et les remèdes sont fournis gratuitement aux pèlerins.

Art. 24. Une infirmerie régulièrement installée et offrant de bonnes conditions de sécurité et de salubrité doit être réservée aux logements des malades.

Elle doit pouvoir recevoir au moins 5 pour cent des pèlerins embarqués à raison de 3 mètres carrés par tête.*

* La Conférence ayant eu connaissance des conditions dans lesquelles les infirmeries doivent être établies d'après l'Article 53 de l'Acte sur les navires à pèlerins édicté par le Gouvernement de l'Inde, en recommande l'exécution. Celle-ci serait considérée comme se substituant à l'Article 24.

(Extrait.) L'infirmerie sera installée sur le pont supérieur, dans les parties construites sur le pont lui-même. Cette infirmerie permanente comptera six lits au moins, et aura une superficie de 144 pieds carrés au moins, une capacité de 864 pieds cubes au moins. Si le navire porte cinquante femmes ou plus, il y aura une deuxième infirmerie permanente de deux lits au moins, ayant une superficie de 72 pieds carrés et une capacité de 288 pieds cubes au moins. Cette infirmerie sera réservée aux femmes et aux enfants ayant moins de 12 ans.

L'éclairage et l'aération de ces infirmeries doivent être reconnus suffisants par l'Inspecteur. Elles seront construites sur une plateforme élevée d'au moins

Art. 25. Le navire doit être pourvu des moyens d'isoler les personnes atteintes de peste.

Les personnes chargées de soigner les pesteux peuvent seuls pénétrer auprès d'eux et n'auront aucun contact avec les autres personnes embarquées.

Les objets de literie, les tapis, les vêtements qui auront été en contact avec les malades doivent être immédiatement désinfectés. L'observation de cette règle est spécialement recommandée pour les vêtements des personnes qui approchent les malades, et qui ont pu être souillés. Ceux des objets ci-dessus qui n'ont pas de valeur doivent être, soit jetés à la mer si le navire n'est pas dans un port, soit dans un canal, soit détruits par le feu. Les autres doivent être portés à l'étuve dans des sacs imperméables lavés avec une solution de sublimé.

Les déjections des malades doivent être recueillies dans des vases contenant une solution désinfectante. Ces vases sont vidés dans les latrines, qui doivent être rigoureusement désinfectées après chaque projection de matières.

Les locaux occupés par les malades doivent être rigoureusement désinfectés.

Les opérations de désinfection doivent être faites conformément au No. 5 du Chapitre III de la présente Convention.

Art. 26. En cas de décès survenu pendant la traversée, le capitaine doit mentionner le décès en face du nom sur la liste prévue par l'autorité du port de départ, et, en outre, inscrire sur le livre de bord le nom de la personne décédée, son âge, sa provenance, la cause présumée de la mort d'après le certificat du médecin, et la date du décès.

En cas de décès par maladie transmissible, le cadavre, préalablement enveloppé d'un suaire imprégné d'une solution de sublimé, doit être jeté à la mer.

Art. 27. La patente délivrée au port du départ ne doit pas être changée au cours du voyage.

10 centim., solidement établies, leur toit sera bien calfaté. Il est préférable de les construire en fer plutôt qu'en bois.

On ne recevra sous aucun prétexte dans l'infirmérie permanente des malades atteints de variole, de choléra, de fièvre jaune ou de peste.

Le navire aura à bord le matériel nécessaire pour construire sur le pont supérieur une deuxième infirmérie temporaire, réservée aux malades atteints de maladies contagieuses (choléra, peste, fièvre jaune, variole, ou autres maladies contagieuses).

L'emplacement que devrait occuper cette infirmérie temporaire sera désigné d'avance par l'Inspecteur. Elle sera construite dans des conditions analogues à celles de l'infirmérie permanente. Elle aura une superficie d'au moins 144 mètres carrés.

Elle est visée par l'autorité Sanitaire de chaque port de relâche. Celle-ci y inscrit—

1. Le nombre des passagers débarqués ou embarqués dans ce port.

2. Les incidents survenus en mer et touchant à la santé ou à la vie des personnes embarquées.

3. L'état sanitaire du port de relâche.

Art. 28. Dans chaque port de relâche le capitaine doit faire viser par l'autorité compétente la liste dressée en exécution de l'Article 9.

Dans le cas où un pèlerin est débarqué en cours de voyage le capitaine doit mentionner sur cette liste le débarquement en face du nom du pèlerin.

En cas d'embarquement, les personnes embarquées doivent être mentionnées sur cette liste conformément à l'Article 9 et préalablement au visa nouveau que doit apposer l'autorité compétente.

Art. 29. Le capitaine doit veiller à ce que toutes les opérations prophylactiques exécutées pendant le voyage soient inscrites sur le livre de bord. Ce livre est présenté par lui à l'autorité compétente du port d'arrivée.

Art. 30. Le capitaine est tenu de payer la totalité des taxes sanitaires, qui doivent être comprises dans le prix du billet.

Titre IV.—*Pénalités.*

Art. 31. Tout capitaine convaincu de ne pas s'être conformé, pour la distribution de l'eau, des vivres, ou du combustible, aux engagements pris par lui, sera passible d'une amende de £ T. 2.* Cette amende est perçue au profit du pèlerin qui aura été victime du manquement et qui établira qu'il a en vain réclamé l'exécution de l'engagement pris.

Art. 32. Toute infraction à l'Article 8 est punie d'une amende de £ T. 30.

Art. 33. Tout capitaine qui aurait commis ou qui aurait sciemment laissé commettre une fraude quelconque concernant la liste des pèlerins ou la patente Sanitaire prévues à l'Article 9 est passible d'une amende de £ T. 50.

Art. 34. Tout capitaine de navire arrivant sans patente Sanitaire du port de départ, ou sans visa des ports de relâche, ou non muni de la liste réglementaire et régulièrement tenue suivant les Articles 9, 27, et 28, est passible, dans chaque cas, d'une amende de £ T. 12.

Art. 35. Tout capitaine convaincu d'avoir ou d'avoir eu à bord

* La livre Turque vaut 22 fr. 50 c.

plus de 100 pèlerins sans la présence d'un *médecin commissionné*, conformément aux prescriptions de l'Article 11, est passible d'une amende de £ T. 300.*

Art. 36. Tout capitaine convaincu d'avoir ou d'avoir eu à son bord un nombre de pèlerins supérieur à celui qu'il est autorisé à embarquer conformément aux prescriptions de l'Article 9 est passible d'une amende de £ T. 5 par chaque pèlerin en surplus.

Le débarquement des pèlerins dépassant le nombre régulier est effectué à la première station où réside une autorité compétente, et le capitaine est tenu de fournir aux pèlerins débarqués l'argent nécessaire pour poursuivre leur voyage jusqu'à destination.

Art. 37. Tout capitaine convaincu d'avoir débarqué des pèlerins dans un endroit autre que celui de leur destination, sauf leur consentement ou hors le cas de force majeure, est passible d'une amende de £ T. 20 par chaque pèlerin débarqué à tort.

Art. 38. Toutes autres infractions aux prescriptions du présent Règlement sont punies d'une amende de £ T. 10 à £ T. 100.

Art. 39. Toute contravention constatée en cours de voyage est annotée sur la patente de santé, ainsi que sur la liste des pèlerins. L'autorité compétente en dresse procès-verbal pour le remettre à qui de droit.

Art. 40. Dans les ports Ottomans la contravention est établie et l'amende imposée par l'autorité compétente, conformément aux dispositions du Chapitre V de la présente Convention.

Art. 41. Tous les agents appelés à concourir à l'exécution de ce Règlement sont passibles de punitions conformément aux lois de leurs pays respectifs en cas de fautes commises par eux dans son application.

Art. 42. Le présent Règlement sera affiché dans la langue de la nationalité du navire et dans les principales langues des pays habités par les pèlerins à embarquer, en un endroit apparent et accessible, à bord de chaque navire transportant des pèlerins.

III.—*Mesures à prendre pour prévenir l'Importation de la Peste.*

1.—*Voie de Terre.*

Les mesures prises sur la voie de terre contre les provenances des régions contaminées de peste doivent être conformes aux principes sanitaires formulés par la présente Convention. Les pratiques modernes de la désinfection doivent être substituées aux quarantaines de terre.

Dans ce but, des étuves et d'autres outillages de désinfection

* This Article was modified by a Declaration signed at Rome, January 24, 1900, see page 209.

ront disposés dans des points bien choisis sur les routes suivies par les voyageurs. Les mêmes moyens seront employés sur les lignes des chemins de fer créées ou à créer. Les marchandises seront désinfectées suivant les principes adoptés par la présente convention.

Chaque Gouvernement est libre de fermer ses frontières aux voyageurs et aux marchandises.

2.—Voie Maritime.

(A.)—Mesures à prendre dans la Mer Rouge.

Article 1^{er}. *Navires Indemnes*.—(a.) Les navires reconnus indemnes, après visite médicale, auront libre pratique immédiate, quelle que soit la nature de leur patente.

Le navire devra toutefois avoir complété ou compléter dix jours pleins à partir du moment de son départ du dernier port conterminé.

Le seul régime que peut prescrire à leur sujet l'autorité du port d'arrivée consiste dans les mesures applicables aux navires suspects (visite médicale, désinfection du linge sale, évacuation de l'eau de bord et substitution d'une bonne eau potable à celle qui est enmagasinée à bord).

(b.) Les navires indemnes ordinaires auront la faculté de passer le Canal de Suez en quarantaine. Ils entreront dans la Méditerranée en continuant l'observation de dix jours. Les navires ayant un médecin et une étuve ne subiront pas la désinfection avant le transit en quarantaine.

Art. 2. *Navires Suspects*.— Les navires suspects sont ceux à bord desquels il y a eu des cas de peste au moment du départ ou pendant la traversée, mais aucun cas nouveau depuis douze jours. Les navires seront traités d'une façon différente suivant qu'ils ont ou n'ont pas à bord un médecin et un appareil à désinfection (étuve).

(a.) Les navires ayant un médecin et un appareil de désinfection (étuve), remplissant les conditions voulues, seront admis à passer le Canal de Suez en quarantaine dans les conditions du Règlement relatif au transit.

(b.) Les autres navires suspects n'ayant ni médecin ni appareil de désinfection (étuve) seront, avant d'être admis à transiter en quarantaine, retenus aux Sources de Moïse pendant le temps nécessaire pour opérer les désinfections du linge sale, du linge de bord, et autres objets susceptibles, et s'assurer de l'état sanitaire du navire.

S'il s'agit d'un navire postal ou d'un paquebot spécialement
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affecté au transport des voyageurs, sans appareil de désinfection (étuve), mais ayant un médecin à bord, si l'autorité locale a reconnu, par une constatation officielle, que les mesures d'assainissement et de désinfection ont été convenablement pratiquées, soit au départ, soit pendant la traversée, le passage en quarantaine sera accordé.

S'il s'agit de navires postaux ou de paquebots spécialement affectés au transport des voyageurs, sans appareil de désinfection (étuve), mais ayant un médecin à bord, si le dernier cas de peste remonte à plus de quatorze jours et si l'état sanitaire du navire est satisfaisant, la libre pratique pourra être donnée à Suez, lorsque les opérations de désinfection seront terminées.

Pour un bateau ayant un trajet indemne de moins de quatorze jours, les passagers à destination d'Égypte seront débarqués aux Sources de Moïse et isolés pendant le temps nécessaire pour compléter dix jours; leur linge sale et leurs effets à usage personnel seront désinfectés. Ils recevront alors la libre pratique. Les navires ayant un trajet indemne de moins de quatorze jours et demandant à obtenir la libre pratique en Égypte seront retenus aux Sources de Moïse le temps nécessaire pour compléter dix jours; ils subiront une désinfection réglementaire.

Art. 3. *Navires infectés*, c'est-à-dire, ayant de la peste à bord ou ayant présenté des cas de peste depuis douze jours. Ils se divisent en navires avec médecin et appareil de désinfection (étuve), et navires sans médecin et sans appareil de désinfection (étuve).

(a.) *Les navires sans médecin et sans appareil de désinfection (étuve)* seront arrêtés aux Sources de Moïse. les personnes atteintes de peste débarquées et isolées dans un hôpital. La désinfection sera pratiquée d'une façon complète. Les autres passagers seront débarqués et isolés par groupes aussi peu nombreux que possible de manière que l'ensemble ne soit pas solidaire d'un groupement particulier si la peste venait à se développer. Le linge sale, les effets à usage, les vêtements de l'équipage et des passagers seront désinfectés, ainsi que le navire.

Il est bien entendu qu'il ne s'agit pas du déchargement des marchandises, mais seulement de la désinfection de la partie du navire qui a été infectée.

Les passagers resteront dix jours à l'établissement des Sources de Moïse; lorsque les cas de peste remonteront à plusieurs jours, la durée de l'isolement sera diminuée. Cette durée variera selon l'époque de l'apparition du dernier cas.

Ainsi, lorsque le dernier cas se sera produit depuis onze ou douze jours, la durée de l'observation sera de vingt heures; s'il s'est produit depuis huit jours, l'observation

ux jours ; s'il s'est produit depuis sept jours, l'observation sera de dix jours et ainsi de suite, comme cela est indiqué au Tableau placé plus loin.

(b.) *Navires avec Médecin et Appareil de Désinfection (Étuve).*— Les navires avec médecin et étuve seront arrêtés aux Sources de peste.

Le médecin de bord déclarera sous serment quelles sont les personnes à bord atteintes de peste. Ces malades seront débarqués isolés.

Après le débarquement de ces malades, le linge sale du reste des passagers et de l'équipage subira la désinfection à bord.

Lorsque la peste se sera montrée exclusivement dans l'équipage la désinfection du linge ne portera que sur le linge sale de l'équipage et le linge des postes de l'équipage.

Le médecin du bord indiquera aussi, sous serment, la partie ou compartiment du navire et la section de l'hôpital dans lesquels les malades auront été transportés. Il déclarera également, sous serment, quelles sont les personnes qui ont été en rapport avec le pestiféré depuis la première manifestation de la maladie, soit par des contacts directs, soit par des contacts avec des objets capables de transmettre l'infection. Ces personnes seulement seront considérées comme *suspectes*.

La partie ou le compartiment du navire et la section de l'hôpital dans lesquels le ou les malades auront été transportés, seront complètement désinfectés. On entend par "partie du navire" la cabine du malade, les cabines attenantes, le couloir de ces cabines, le pont, les parties du pont sur lesquelles le ou les malades auraient séjourné.

S'il est impossible de désinfecter la partie ou le compartiment du navire qui a été occupé par les personnes atteintes de peste sans débarquer les personnes déclarées suspectes, ces personnes seront embarquées sur un autre navire spécialement affecté à cet usage, ou embarquées et logées dans l'établissement Sanitaire, sans contact avec les malades, lesquels seront placés dans l'hôpital.

La durée de ce séjour sur le navire ou à terre pour la désinfection sera aussi courte que possible et n'excédera pas vingt-quatre heures.

Les suspects subiront une observation, soit sur leur bâtiment ou sur le navire affecté à cet usage ; la durée de cette observation sera selon le Tableau suivant :—

Lorsque le dernier cas de peste se sera produit dans le cours du douzième, du onzième, du dixième, ou du neuvième jour avant l'arrivée à Suez	}	L'observation sera de 24 heures.
S'il s'est produit dans le cours du huitième jour avant l'arrivée à Suez		
S'il s'est produit dans le cours du septième jour avant l'arrivée à Suez	}	L'observation sera de 3 jours.
S'il s'est produit dans le cours du sixième jour avant l'arrivée à Suez		
S'il s'est produit dans le cours du cinquième ou du quatrième jour avant l'arrivée à Suez	}	L'observation sera de 5 et 6 jours.
S'il s'est produit dans le cours du troisième jour ou du second jour avant l'arrivée à Suez		
S'il s'est produit un jour avant l'arrivée à Suez	}	L'observation sera de 9 jours.

Le passage en quarantaine pourra être accordé avant l'expiration des délais indiqués dans le Tableau ci-dessus si l'autorité Sanitaire le juge possible; il sera en tout cas accordé lorsque la désinfection aura été accomplie, si le navire abandonne, outre ses malades, les personnes indiquées ci-dessus comme "suspectes."

Une étuve placée sur un ponton pourra venir accoster le navire pour rendre plus rapides les opérations de désinfection.

Les navires infectés demandant à obtenir la libre pratique en Égypte seront retenus dix jours aux Sources de Moïse à compte du dernier cas survenu à bord et subiront la désinfection réglementaire.

Le temps pris par les opérations de désinfection est compris dans la durée de l'observation.

Organisation de la Surveillance et de la Désinfection à Suez et aux Sources de Moïse.

1. La visite médicale, prévue par le Règlement, sera faite, pour chaque navire arrivant à Suez, par un des médecins de la station. Elle sera faite de jour pour les provenances des ports contaminés de peste.

2. Les médecins seront au nombre de sept : un médecin-en-chef, quatre titulaires, et deux suppléants. Si le service médical était encore insuffisant, on aurait recours aux médecins de la marine des

flérents États, qui seraient placées sous l'autorité du médecin-en-chef de la station Sanitaire.

3. Ils seront pourvus d'un diplôme régulier, choisis de préférence parmi les médecins ayant fait des études spéciales pratiques d'épidémiologie et de bactériologie.

4. Ils seront nommés par le Ministre de l'Intérieur, sur la présentation du Conseil Sanitaire, Maritime, et Quarantenaire Égypte.

5. Ils recevront un traitement qui sera de 6,000 fr. pour les médecins suppléants et qui, primitivement de 8,000 fr. pourra s'élever progressivement à 12,000 fr. pour les quatre médecins et de 15,000 fr. à 15,000 fr. pour le médecin-en-chef.

6. La station de désinfection et d'isolement des Sources de Moïse est placée sous l'autorité du médecin-en-chef de Suez.

7. Si des malades y sont débarqués, deux des médecins de Suez seront internés, l'un pour soigner les pesteux, l'autre pour soigner les personnes non atteintes de peste.

8. Le nombre des Gardes Sanitaires sera porté à vingt.

Un de ces Gardes sera spécialement chargé de l'entretien des sources placées aux Sources de Moïse.

9. La station de désinfection et d'isolement des Sources de Moïse comprendra :—

(1.) Trois étuves à désinfection au moins, dont une sera placée sur un ponton;

(2.) Un nouvel hôpital d'isolement de douze lits pour les malades et les suspects. Cet hôpital sera disposé de façon à ce que les malades, les suspects, les hommes et les femmes soient isolés les uns des autres;

(3.) Des baraquements des tentes-hôpital et des tentes ordinaires pour les personnes débarquées;

(4.) Des baignoires et des douches-lavage en nombre suffisant;

(5.) Les bâtiments nécessaires pour les services communs, le personnel médical, les Gardes, &c., un magasin, une buanderie;

(6.) Un réservoir d'eau.

Passage en Quarantaine du Canal de Suez.

1. L'autorité Sanitaire de Suez accorde le passage en quarantaine; le Conseil en est immédiatement informé. Dans les cas douteux la décision est prise par le Conseil.

2. Un télégramme est aussitôt expédié à l'autorité désignée par la Puissance. L'expédition du télégramme sera faite aux frais du bâtiment.

3. Chaque Puissance édictera des dispositions pénales contre les bâtiments qui, abandonnant le parcours indiqué par le capi-

taine, aborderaient indûment un des ports du territoire de Puissance. Seront excepté les cas de force majeure et de force forcée.

Lors de l'arraisonnement, le capitaine sera tenu de déclarer à son bord des équipes de chauffeurs indigènes ou de servir à gages quelconques, non inscrits sur le rôle d'équipage au registre à cet usage. Les questions suivantes seront posées aux capitaines de tous les navires se présentant à Suez, venant du Canal. Ils y répondront sous serment :—

“Avez-vous des auxiliaires : chauffeurs ou autres gens de service, non inscrits sur le rôle d'équipage ou sur le rôle spécial ? Quel est leur nationalité ? Où les avez-vous embarqués ?

Les médecins Sanitaires devront s'assurer de la présence des auxiliaires, et s'ils constatent qu'il y a des manquants parmi eux, ils chercheront avec soin les causes de l'absence.

4. Un officier Sanitaire et deux gardes sanitaires monteront à bord. Ils doivent accompagner le navire jusqu'à Port-Saïd ; ils ont pour mission d'empêcher les communications et de veiller à l'exécution des mesures prescrites pendant la traversée du Canal.

5. Les voyageurs pourront s'embarquer à Port-Saïd en quarantaine. Mais tout embarquement ou débarquement et tout mouvement de passagers et de marchandises sont interdits pendant le parcours du Canal de Suez à Port-Saïd.

6. Les navires transitant en quarantaine devront effectuer leur parcours de Suez à Port-Saïd sans garage.

En cas d'échouage ou de garage indispensable, les opérations nécessaires seront effectuées par le personnel du bord, en évitant toute communication avec le personnel de la Compagnie du Canal de Suez.

Les transports de troupes transitant en quarantaine seront interdits de traverser le Canal seulement de jour.

S'ils doivent séjourner de nuit dans le Canal, ils prendront mouillage au Lac Timsah.

7. Le stationnement des navires transitant en quarantaine est interdit dans le port de Port-Saïd, sauf dans le cas prévu aux paragraphes 5 et 8. Les opérations de ravitaillement devront être pratiquées avec les moyens du bord.

Ceux des chargeurs, ou toute autre personne, qui seront à bord, seront isolés sur le ponton quarantenaire. Leurs vêtements subiront la désinfection réglementaire.

8. Lorsqu'il sera indispensable, pour les navires transitant en quarantaine, de prendre du charbon à Port-Saïd, ces navires devront exécuter cette opération dans un endroit, offrant les garanties sanitaires d'isolement et de surveillance sanitaire, qui sera indiquée par le Conseil Sanitaire. Pour les navires à bord desquels une surveillance

icace de cette opération est possible et où tout contact avec les ns du bord peut être évité, le charbonnage par les ouvriers du rt sera autorisé. La nuit le lieu de l'opération devra être éclairé la lumière électrique.

9. Les pilotes, les électriciens, les agents de la Compagnie, et gardes sanitaires seront déposés à Port-Saïd, hors du port, tre les jetées, et de là conduits directement au ponton de arantaine, où leurs vêtements subiront une désinfection com-
ète.

Mesures à prendre pour les Navires venant en Égypte d'un Port contaminé de Peste, par la Méditerranée.

1. Les navires ordinaires indemnes venant d'un port d'Europe du bassin de la Méditerranée infecté de peste, se présentant ur passer le Canal de Suez, obtiendront le passage en quarantaine. s continueront leur trajet en observation de dix jours.

2. Les navires ordinaires indemnes, qui voudront aborder en ypte, pourront s'arrêter à Alexandrie ou à Port-Saïd, où les ssagers achèveront le temps de l'observation, soit dans le lazaret Gabari, soit à bord, selon la décision de l'autorité Sanitaire ale.

3. Les mesures auxquelles sont soumis les navires infectés et spects venant d'un port contaminé de peste d'Europe ou des es de la Méditerranée, désirant aborder dans un des ports Égypte ou passer le Canal de Suez, seront déterminées par le onseil Sanitaire conformément au Règlement adopté par la pré-
nte Convention.

Ces mesures, pour devenir exécutoires, devront être acceptées r les diverses Puissances représentées au Conseil. Elles gleront le régime imposé aux navires, aux passagers, et aux rchandises.

Le Conseil soumettra dans les mêmes formes aux Puissances un glement visant les mêmes questions en ce qui concerne le oléra.

Ces deux Règlements doivent être présentées dans le plus bref lai possible.

Surveillance Sanitaire des Pèlerinages dans la Mer Rouge.

Régime Sanitaire applicables aux Navires à Pèlerins venant d'un Port contaminé dans la Station Sanitaire (réorganisée) de Camaran.

Les navires à pèlerins venant du sud et se rendant au Hedjaz vront au préalable faire escale à la station Sanitaire de Camaran seront soumis au régime ci-après :—

Les navires reconnus *indemnes* après visite médicale auront pratique, lorsque les opérations suivantes seront terminées :—

Les pèlerins seront débarqués ; ils prendront une douche-lavage ou un bain de mer ; leur linge sale, la partie de leurs effets à usage et de leurs bagages qui peut être suspecte, d'après l'appréciation de l'autorité Sanitaire, seront désinfectés ; la durée de ces opérations en y comprenant le débarquement et l'embarquement, ne devra pas dépasser soixante-douze heures.

Si aucun cas de peste n'est constaté pendant ces opérations, les pèlerins seront réembarqués immédiatement et le navire se dirigera vers le Hedjaz.

Les navires *suspects*, c'est-à-dire, ceux à bord desquels il y a eu des cas de peste au moment du départ, mais aucun cas n'ayant été constaté depuis douze jours, seront traités de la façon suivante : les pèlerins seront débarqués ; ils prendront une douche-lavage ou un bain de mer ; leur linge sale, la partie de leurs effets à usage et de leurs bagages qui peut être suspecte, d'après l'appréciation de l'autorité Sanitaire, seront désinfectés ; l'eau de la cale sera changée. Les parties du navire habitées par les malades seront désinfectées. La durée de ces opérations, en y comprenant le débarquement et l'embarquement, ne devra pas dépasser soixante-douze heures. Si aucun cas de peste n'est constaté pendant ces opérations, les pèlerins seront réembarqués immédiatement, et le navire se dirigera sur Djeddah, où une seconde visite médicale aura lieu à bord. Si son résultat est favorable, et sur le vu de la déclaration écrite des médecins de bord, sous serment, qu'il n'y a pas eu de cas de peste pendant la traversée, les pèlerins seront immédiatement débarqués.

Si, au contraire, un ou plusieurs cas de peste ont été constatés pendant le voyage ou au moment de l'arrivée, le navire sera dirigé sur Camaran, où il subira le régime des navires infectés.

Les navires *infectés*, c'est-à-dire, ayant à bord des cas de peste ou bien en ayant présenté depuis douze jours, subiront le régime suivant :—

Les personnes atteintes de peste seront débarquées et isolées à l'hôpital. La désinfection sera pratiquée d'une façon particulière. Les autres passagers seront débarqués et isolés par groupes, le plus petit nombre possible, de manière que l'ensemble ne soit pas en contact solidaire d'un groupe particulier, si la peste venait à s'y développer.

Le linge sale, les objets à usage, les vêtements de l'équipage et des passagers seront désinfectés, ainsi que le navire.

L'autorité Sanitaire locale décidera si le déchargement des bagages et des marchandises est nécessaire, si le navire entier doit être désinfecté ou si une partie seulement du navire doit subir la désinfection.

Les passagers resteront douze jours à l'établissement de Camaran; lorsque les cas de peste remonteront à plusieurs jours, la durée de l'isolement pourra être diminuée. Cette durée pourra varier selon l'époque de l'apparition du dernier cas et d'après la décision de l'autorité Sanitaire.

Le navire sera dirigé ensuite sur Djeddah, où une visite médicale individuelle et rigoureuse aura lieu à bord. Si son résultat est favorable, les pèlerins seront débarqués. Si, au contraire, la peste s'était montrée à bord pendant le voyage ou au moment de l'arrivée, le navire serait renvoyé à Camaran, où il subirait de nouveau le régime des navires infectés.

Améliorations à apporter à la Station de Camaran.

(A.) Évacuation complète de l'Ile de Camaran par ses habitants.

(B.) Moyens d'assurer la sécurité et de faciliter le mouvement de la navigation dans la baie de l'Ile de Camaran :—

1. Installation de bouées et de balises en nombre suffisant ;
2. Construction d'un môle ou quai principal pour débarquer les passagers et les colis ;
3. Un appontement différent pour embarquer séparément les pèlerins de chaque campement ;
4. Des chalands en nombre suffisant, avec un remorqueur à vapeur pour assurer le service de débarquement et d'embarquement des pèlerins.

Le débarquement des pèlerins des navires infectés sera opéré par les moyens du bord.

(C.) Installation de la station Sanitaire, qui comprendra :—

1. Un réseau de voies ferrées reliant les débarcadères aux locaux de l'Administration et de désinfection, ainsi qu'aux locaux des divers services et aux campements ;
2. Des locaux pour l'Administration et pour le personnel des services Sanitaires et autres ;
3. Des bâtiments pour la désinfection et le lavage des effets portés et autres objets ;
4. Des bâtiments où les pèlerins seront soumis à des bains-douches ou à des bains de mer pendant que l'on désinfectera les vêtements en usage ;
5. Des hôpitaux séparés pour les deux sexes et complètement isolés—

- (a.) Pour l'observation des suspects ;
- (b.) Pour les pesteux ;
- (c.) Pour les malades atteints d'autres affections contagieuses ;
- (d.) Pour les malades ordinaires ;
6. Les campements seront séparés les uns des autres d'une

manière efficace et la distance entre eux devra être la plus grande possible ; les logements destinés aux pèlerins seront construits dans les meilleures conditions hygiéniques et ne devront contenir que vingt-cinq personnes ;

7. Un cimetière bien situé et éloigné de toute habitation, sans contact avec une nappe d'eau souterraine, et drainé à 50 centim. au-dessous du plan des fosses.

(D.) Outillage sanitaire :—

1. Étuves à vapeur en nombre suffisant et présentant toutes les conditions de sécurité, d'efficacité, et de rapidité ;

2. Pulvérisateurs, étuves à désinfection, et moyens nécessaires pour la désinfection chimique analogues à ceux qui sont indiqués dans le Chapitre III de l'Annexe de la présente Convention ;

3. Machines à distiller l'eau : appareils destinés à la stérilisation de l'eau par la chaleur ; machines à fabriquer la glace ;

Pour la distribution de l'eau potable ; canalisations et réservoirs fermés, étanches, et ne pouvant se vider que par des robinets ou des pompes ;

4. Laboratoire bactériologique avec le personnel nécessaire ;

5. Installation de tinettes mobiles pour recueillir les matières fécales préalablement désinfectées. Épandage de ces matières sur une des parties de l'île les plus éloignées des campements, en tenant compte des conditions nécessaires pour le bon fonctionnement de ces chainps d'épandage au point de vue de l'hygiène ;

6. Les eaux sales seront éloignées des campements sans pouvoir stagner ni servir à l'alimentation. Les eaux vannes qui sortent des hôpitaux seront désinfectés par le lait de chaux, suivant les indications contenues dans le Chapitre III de l'Annexe de la présente Convention.

(E.) L'autorité Sanitaire assure, dans chaque campement, un établissement pour les comestibles, un pour le combustible.

Le tarif des prix fixés par l'autorité compétente est affiché dans plusieurs endroits du campement et dans les principales langues des pays habités par les pèlerins.

Le contrôle de la qualité des vivres et de l'approvisionnement suffisant est fait chaque jour par le médecin du campement.

L'eau est fournie gratuitement.

Améliorations à apporter aux Stations Sanitaires d'Abou-Saad, de Vasta, et d'Abou-Ali.

1. Création de deux hôpitaux pour pestueux, hommes et femmes, à Abou-Ali ;

2. Création à Vasta d'un hôpital pour malades ordinaires ;

3. Installation à Abou-Saad et à Vasta de logements en pierre capables de contenir cinquante personnes par logement ;

4. Trois étuves à désinfection placées à Abou-Saad, Vasta, Abou-Ali, avec buanderies et accessoires ;

5. Établissement de douches-lavages à Abou-Saad et à Vasta ;

6. Dans chacune des Iles d'Abou-Saad et de Vasta, des machines à distiller pouvant fournir ensemble 15 tonnes d'eau par jour ;

7. Pour les cimetières, les matières fécales et les eaux sales, le régime sera réglé d'après les principes admis pour Camaran. Un cimetière sera établi dans une des îles.

En ce qui concerne les vivres et l'eau, les règles adoptées pour Camaran sous la lettre (E) sont applicables aux campements d'Abou-Saad, de Vasta, et d'Abou-Ali.

Il est désirable que les installations de Abou-Saad, Vasta, et Abou-Ali soient terminées dans le plus bref délai possible.

Réorganisation de la Station Sanitaire de Djebel-Tor.

La Conférence confirme les recommandations et vœux déjà formulés, laissant au Conseil Sanitaire le soin de réaliser ces améliorations, et estime en outre :—

1. Qu'il est nécessaire de fournir aux pèlerins une bonne eau potable, soit qu'on la trouve sur place, soit qu'on l'obtienne par la distillation ;

2. Qu'il importe que tous les vivres qui sont importés par les pèlerins de Djeddah et de Yambo, quand il y a de la peste au Hedjaz, soient désinfectés comme objets suspects, ou complètement détruits, s'ils se trouvent dans des conditions d'altération dangereuses ;

3. Que des mesures doivent être prises pour empêcher les pèlerins d'emporter au départ de Djebel-Tor des outres, qui seront remplacées par des vases en terre cuite ou des bidons métalliques ;

4. Que chaque section doit être pourvue d'un médecin ;

5. Qu'un capitaine de port doit être nommé à El-Tor, pour diriger les embarquements et les débarquements et pour faire observer les règlements par les capitaines des navires et les samboukdjis ;

6. Que pendant les époques des pèlerinages les pèlerins seulement soient mis en observation à Djebel-Tor ;

7. Que le village de Koroum soit évacué ;

8. Qu'un fil télégraphique relie le campement de Djebel-Tor à la station Sanitaire de Suez.

*Règlement applicable dans les Ports Arabiques de la Mer Rouge à
l'Époque du Pèlerinage.*

Régime Sanitaire à appliquer aux Navires à Pèlerins venant du Nord.

1. *Voyage d'Aller.*

Si la présence de la peste n'est pas constaté dans le port de départ ni dans ses environs, si aucun cas de peste ne s'est produit pendant la traversée, le navire est immédiatement admis à la libre pratique.

Si la présence de la peste est constatée dans le port de départ ou dans ses environs, ou si un cas de peste s'est produit pendant la traversée, le navire sera soumis à Djebel-Tor aux règles instituées pour les navires qui viennent du sud et qui s'arrêtent à Camaran.

2. *Voyage de Retour.*

Article 1^{er}. Tout navire provenant d'un port du Hedjaz ou de tout autre port de la côte Arabique de la Mer Rouge, contaminé de peste, ayant à bord des pèlerins ou masses analogues, à destination de Suez ou d'un port de la Méditerranée, est tenu de se rendre à El-Tor pour y subir l'observation réglementaire indiquée plus bas.

Il y sera procédé au débarquement des passagers, bagages, et marchandises susceptibles et à leur désinfection, ainsi qu'à celle des effets à usage et du navire.

Art. 2. Les navires qui ramèneront les pèlerins ne traverseront le Canal qu'en quarantaine.

Les pèlerins Égyptiens après avoir quitté El-Tor devront débarquer à Ras Mallap ou tout autre endroit désigné par le Conseil Sanitaire, pour y subir l'observation de trois jours et une visite médicale avant d'être admis en libre pratique.

Dans le cas où, pendant la traversée de El-Tor à Suez, ces navires auraient eu un cas suspect à bord, ils seront repoussés à El-Tor.

Art. 3. Les agents des Compagnies de Navigation et les capitaines sont prévenus qu'après avoir fini leur observation à la station Sanitaire de El-Tor et à Ras Mallap, les pèlerins Égyptiens seront seuls autorisés à quitter définitivement le navire pour rentrer ensuite dans leurs foyers. Ne seront reconnus comme Égyptiens ou résidant en Égypte que les pèlerins porteurs d'une carte de résidence émanant d'une autorité Égyptienne, et conforme au modèle établi. Des exemplaires de cette carte seront déposés auprès des autorités

Consulaires et Sanitaires de Djeddah et de Yambo, où les agents et capitaines de navire pourront les examiner.

Des pèlerins non-Égyptiens, tels que les Turcs, les Russes, les Persans, les Tunisiens, les Algériens, les Marocains, &c., ne pourront, après avoir quitté El-Tor, être débarqués dans un port Égyptien.

En conséquence, les agents de navigation et les capitaines sont prévenus que le transbordement des pèlerins étrangers à l'Égypte, soit à Tor, soit à Suez, à Port-Saïd, ou à Alexandrie, est interdit.

Les bateaux qui auraient à leur bord des pèlerins appartenant aux nationalités dénommées dans le paragraphe précédent suivront la condition de ces pèlerins, et ne seront reçus dans aucun port Égyptien de la Méditerranée.

Art. 4. Si la présence de la peste n'est pas constatée au Hedjaz et ne l'a pas été au cours du pèlerinage, les navires seront soumis à Djebel-Tor aux règles instituées à Camaran pour les navires indemnes.

Les pèlerins seront débarqués ; ils prendront une douche-lavage ou un bain de mer ; leur linge sale, la partie de leurs effets à usage et de leurs bagages qui peut être suspecte, d'après l'appréciation de l'autorité Sanitaire, seront désinfectés ; la durée de ces opérations, en y comprenant le débarquement et l'embarquement, ne devra pas dépasser soixante-douze heures.

Si la présence de la peste est constatée au Hedjaz ou l'a été au cours du pèlerinage, ces navires seront soumis, à Djebel-Tor, aux règles instituées à Camaran pour les navires infectés.

Les personnes atteintes de peste seront débarquées et isolées à l'hôpital. La désinfection sera pratiquée d'une façon complète. Les autres passagers seront débarqués et isolés par groupes, aussi peu nombreux que possible, de manière que l'ensemble ne soit pas solidaire d'un groupe particulier, si la peste venait à s'y développer.

Le linge sale, les objets à usage, les vêtements de l'équipage et des passagers seront désinfectés, ainsi que le navire.

L'autorité Sanitaire locale décidera si le déchargement des gros bagages et des marchandises est nécessaire, si le navire entier doit être désinfecté ou si une partie seulement du navire doit subir la désinfection.

Tous les pèlerins seront soumis à une observation de douze jours pleins à partir de celui où ont été terminées les opérations de désinfection. Si un cas de peste s'est produit dans une section, la période de douze jours ne commence pour cette section qu'à partir de celui où le dernier cas a été constaté.

Art. 5. Les navires provenant d'un port contaminé de peste du Hedjaz ou de tout autre port de la côte Arabique de la Mer Rouge, sans y avoir embarqué des pèlerins ou masses analogues, et qui n'auront pas eu à bord durant la traversée d'accident suspect, sont

placés dans la catégorie des navires ordinaires suspects. Ils seront soumis aux mesures préventives et au traitement imposés à ces navires.

S'ils sont à destination de l'Égypte, ils subiront une observation de dix jours à compter de la date du départ aux Sources de Moïse ; ils seront soumis en outre à toutes les mesures prescrites pour les bateaux suspects (désinfection, &c.), et ne seront admis à la libre pratique qu'après visite médicale favorable.

Il est entendu que si ces navires, durant la traversée, ont eu des accidents suspects, l'observation sera subie aux Sources de Moïse, et sera de douze jours.

Art. 6. Les caravanes composées de pèlerins Égyptiens devront, avant de se rendre en Égypte, subir une quarantaine de rigueur de douze jours à El-Tor ; elles seront ensuite dirigées sur Ras Mallap pour y subir une observation de cinq jours, après laquelle elles ne seront admises en libre pratique qu'après visite médicale favorable et désinfection des effets.

Les caravanes composées de pèlerins étrangers devant se rendre dans leurs foyers par la voie de terre seront soumises aux mêmes mesures que les caravanes Égyptiennes, et devront être accompagnées par des gardes sanitaires jusqu'aux limites du désert.

Les caravanes venant du Hedjaz par la route d'Akaba ou de Moïla seront soumises, à leur arrivée au Canal, à la visite médicale et à la désinfection du linge sale et des effets à usage.

Art. 7.—(1.) Le transbordement des pèlerins est strictement interdit dans les ports Égyptiens.

(2.) Les navires venant du Hedjaz ou d'un port de la côte Arabique de la Mer Rouge avec patente nette, n'ayant pas à bord des pèlerins ou masses analogues, et qui n'auront pas eu d'accident suspect durant la traversée, seront admis en libre pratique à Suez après visite médicale favorable.

Art. 8. Les navires partant du Hedjaz avec patente nette, et ayant à leur bord des pèlerins à destination d'un port de la côte Africaine de la Mer Rouge, sont autorisés à se rendre à Souakim pour y subir l'observation de trois jours avec débarquement des passagers au campement quarantenaire.

Art. 9. Les caravanes de pèlerins arrivant par voie de terre seront soumises à la visite médicale et à la désinfection aux Sources de Moïse.

*Mesures Sanitaires à appliquer au Départ des Pèlerins des Ports
du Hedjaz et allant vers le Sud.*

Il y aura dans les ports d'embarquement des installations sanitaires assez complètes pour qu'on puisse appliquer aux pèlerins

qui rentrent dans leur pays les mesures qui sont obligatoires au moment du départ de ces pèlerins dans les ports situés au delà du Détroit de Bab-el-Mandeb.

L'application de ces mesures sera facultative, c'est-à-dire, qu'elles ne seront appliquées que dans les cas où l'autorité Consulaire du pays auquel appartient le pèlerin, où le médecin du navire à bord duquel il va s'embarquer, les jugera nécessaires.

(B.)—Mesures à prendre dans le Golfe Persique.

I.—Régime Sanitaire applicable aux Provenances Maritimes dans le Golfe Persique.

Est considéré comme *infecté* le navire qui a la peste à bord, ou qui a présenté un ou plusieurs cas de peste depuis douze jours.

Est considéré comme *suspect* le navire à bord duquel il y a eu des cas de peste au moment du départ ou pendant la traversée, mais aucun cas depuis douze jours.

Est considéré comme *indemne*, bien que venant d'un port contaminé, le navire qui n'a eu ni décès ni cas de peste à bord, soit avant le départ, soit pendant la traversée, soit au moment de l'arrivée.

Les navires *infectés* sont soumis au régime suivant :—

1. Les malades sont immédiatement débarqués et isolés ;
2. Les autres personnes doivent être également débarquées, si possible, et soumises à une observation dont la durée variera selon l'état sanitaire du navire et selon la date du dernier cas, sans pouvoir dépasser dix jours ;

3. Le linge sale, les effets à usage, et les objets de l'équipage et des passagers qui, de l'avis de l'autorité Sanitaire du port, seront considérés comme contaminés, seront désinfectés, ainsi que le navire, ou seulement la partie du navire qui a été contaminée.

Une désinfection plus étendue pourra être ordonnée par l'autorité Sanitaire locale.

Les navires *suspects* sont soumis aux mesures ci-après :—

1. Visite médicale ;
2. Désinfection : le linge sale, les effets à usage, et les objets de l'équipage et des passagers qui, de l'avis de l'autorité Sanitaire locale, seront considérés comme contaminés, seront désinfectés.

3. Toutes les parties du navire qui ont été habitées par les malades ou les suspects devront être désinfectées. Une désinfection plus étendue pourra être ordonnée par l'autorité Sanitaire locale.

4. Évacuation de l'eau de la cale après désinfection et sub-

stitution d'une bonne eau potable à celle qui est emmagasinée à bord.

5. L'équipage et les passagers sont soumis à une observation pendant dix jours à compter du moment où il n'existe plus de cas de peste à bord.

Les navires indemnes seront admis à la libre pratique immédiate quelle que soit la nature de leur patente.

Ces navires doivent, toutefois, avoir complété ou compléter dix jours pleins à partir du moment de leur départ du dernier port contaminé.

Le seul régime que peut prescrire à leur sujet l'autorité du port d'arrivée consiste dans les mesures applicables aux navires suspects (visite médicale, désinfection, évacuation de l'eau de cale, substitution d'une bonne eau potable à celle qui est emmagasinée à bord).

Il est entendu que l'autorité compétente du port d'arrivée pourra toujours réclamer du médecin ou, à son défaut, du capitaine, et, sous serment, un certificat attestant qu'il n'y a pas eu de cas de peste à bord du navire depuis le départ.

L'autorité compétente du port tiendra compte, pour l'application de ces mesures, de la présence d'un médecin diplômé et d'un appareil de désinfection (étuve) à bord des navires des trois catégories susmentionnées.

Des mesures spéciales peuvent être prescrites à l'égard des navires offrant de mauvaises conditions d'hygiène.

Les marchandises arrivant par mer ne peuvent être traitées autrement que les marchandises transportées par terre, au point de vue de la désinfection et des défenses d'importation, de transit, et de quarantaine.

Tout navire qui ne voudra pas se soumettre aux obligations imposées par l'autorité du port sera libre de reprendre la mer.

Il pourra être autorisé à débarquer ses marchandises, après que les précautions nécessaires auront été prises, savoir :—

1. Isolement du navire, de l'équipage, et des passagers ;
2. Évacuation de l'eau de la cale, après désinfection ;
3. Substitution d'une bonne eau potable à celle qui est emmagasinée à bord.

Il pourra également être autorisé à débarquer les passagers en feraient la demande, à la condition que ceux-ci se soumettent aux mesures prescrites par l'autorité locale.

II.—Établissements Sanitaires du Golfe Persique.

Il y a lieu d'installer au Golfe Persique deux établissements Sanitaires, l'un au Détroit d'Ormütz (Ile d'Ormütz, Ile de Kis



ou, à leur défaut, une localité à fixer dans leur voisinage); l'autre aux environs de Bassorah dans un lieu à déterminer.

Il y aura à la station Sanitaire du Déroit d'Ormutz deux médecins au moins, des agents Sanitaires, des gardes sanitaires, et tout un outillage de désinfection. Un petit hôpital sera construit.

A la station des environs de Bassorah seront construits un grand lazaret et des installations pour la désinfection des marchandises et comportant un service médical composé de plusieurs médecins.

Les navires, avant de pénétrer dans le Golfe Persique, seront arraisonnés à l'établissement Sanitaire du Déroit d'Ormutz. Ils y subiront le régime Sanitaire prescrit par le Règlement. S'ils ont des malades atteints de peste à bord ils les débarqueront.

Toutefois, les navires qui doivent remonter le Chat-el-Arab seront autorisés, si la durée de l'observation n'est pas terminée, à continuer leur route, à la condition de passer le Golfe Persique et le Chat-el-Arab en quarantaine. Un gardien-chef, deux gardes sanitaires pris à Ormutz surveilleront le bateau jusqu'à Bassorah, où une seconde visite médicale sera pratiquée et où se feront les désinfections nécessaires.

Les bateaux qui doivent toucher aux ports de la Perse pour y débarquer des passagers ou des marchandises pourront faire ces opérations à Bender-Bouchir, lorsqu'une installation Sanitaire convenable y aura été établie; jusque-là ces opérations seront pratiquées à Ormutz ou à Bassorah.

Il est bien entendu qu'un navire qui reste indemne à l'expiration des dix jours à compter de la date à laquelle il a quitté le dernier port contaminé de peste recevra la libre pratique dans les ports du Golfe après constatation, à l'arrivée, de son état indemne.

Les établissements Sanitaires d'Ormutz et de Bassorah seront placés sous la dépendance du Conseil Supérieur de Santé de Constantinople. Pour la station d'Ormutz une entente sera établie entre le Gouvernement Ottoman et le Gouvernement Persan.

En attendant que les Gouvernements Ottoman et Persan aient établi cette entente, il sera organisé d'urgence dans une des îles du Déroit d'Ormutz un poste Sanitaire dans lequel seront placés, sous les soins du Conseil Sanitaire, des médecins et des gardes sanitaires. Ces derniers accompagneront les navires passant en quarantaine jusque dans le Chat-el-Arab, dans l'établissement placé aux environs de Bassorah.

Le Conseil Supérieur de Santé de Constantinople devra, en outre, organiser sans délai les établissements Sanitaires de Hanni-
[1896-97. LXXXIX.]

kim et de Kizil Dizé, près de Bayazid, sur les frontières Turco-Persane et Turco-Russe.

CHAPITRE II.—Mesures à prendre en Europe.

Titre I.—Mesures destinées à tenir les Gouvernements Signataires de la Convention au courant de l'état d'une Épidémie de Peste, ainsi que des Moyens employés pour éviter sa Propagation et son Importation dans les endroits indemnes.

Notifications et Communications ultérieures.

Le Gouvernement du pays contaminé doit notifier aux divers Gouvernements l'existence de tout cas de peste. Cette mesure est essentielle.

Elle n'aura de valeur réelle que si celui-ci est prévenu lui-même des cas de peste et des cas douteux survenus sur son territoire. On ne saurait donc trop recommander aux divers Gouvernements la déclaration obligatoire des cas de peste par les médecins.

L'objet de la notification sera l'existence de cas de peste, l'endroit où ces cas ont paru, la date de leur apparition, le nombre des cas constatés et celui des décès.

La notification sera faite aux Agences Diplomatiques ou Consulaires dans la capitale du pays contaminé. Pour les pays qui n'y sont pas représentés, la notification sera faite directement par télégraphe aux Gouvernements étrangers.

Cette première notification sera suivie de communications ultérieures données d'une façon régulière, de manière à tenir les Gouvernements au courant de la marche de l'épidémie. Ces communications se feront au moins une fois par semaine.

Les renseignements sur le début et sur la marche de la maladie devront être aussi complets que possible. Ils indiqueront plus particulièrement les mesures prises en vue de combattre l'extension de l'épidémie. Ils devront préciser les mesures prophylactiques adoptées relativement—

A l'inspection Sanitaire ou à la visite médicale ;

A l'isolement ;

A la désinfection ;

Et les mesures prescrites au point de vue du départ des navires et de l'exportation des objets susceptibles.

Il est entendu que les pays limitrophes se réservent de faire des arrangements spéciaux en vue d'organiser un service d'informations directes entre les Chefs des Administrations des frontières.

nement de chaque État sera tenu de publier les mesures qu'il croit devoir prescrire au sujet des pays ou d'une circonscription territoriale con-

iquera aussitôt cette publication à l'Agent Diplomatique du pays contaminé, résidant dans sa capitale. L'Agent Diplomatique ou Consulaire dans la capitale, la se fera directement au Gouvernement du pays

également de faire connaître par les mêmes voies les mesures ou les modifications dont elles seraient

ditions dans lesquelles une Circonscription Territoriale être considérée comme contaminée ou saine.*

rée comme contaminée toute circonscription où a été constaté l'existence de cas de peste.

considérée comme contaminée toute circonscription où la peste a existé, mais où, après constatation officielle, il n'y a eu ni cas nouveau de peste depuis dix jours après la mort du dernier pesteux, à condition que les mesures préventives aient été exécutées.

Les mesures préventives seront appliquées au territoire concerné du moment où des cas de peste auront été officiellement constatés.

Les mesures cesseront d'être appliquées dès qu'il aura été constaté que la circonscription est redevenue saine.

On ne considérera pas comme autorisant l'application de ces mesures que quelques cas importés se sont manifestés dans une circonscription territoriale sans donner lieu à des cas de trans-

nécessité de limiter aux Circonscriptions Territoriales les Mesures destinées à empêcher la Propagation de

Il ne faut pas confondre les mesures aux seules régions atteintes, les mesures ne doivent les appliquer qu'aux provenances des personnes contaminées.

Par le mot "circonscription" une partie de territoire d'un pays ou d'un territoire administratif bien déterminée, ainsi : une province, un district, un département, un canton, une île, une commune, un village, un port, un polder, &c., quelles que soient l'étendue et la forme des portions de territoire.

Mais cette restriction limitée à la circonscription contaminée devra être acceptée qu'à la condition formelle que le Gouvernement du pays contaminé prenne les mesures nécessaires pour empêcher l'exportation des objets susceptibles provenant de la circonscription contaminée.

Quand une circonscription est contaminée, aucune mesure préventive ne sera prise contre les provenances de cette circonscription. Les provenances l'ont quitté cinq jours au moins avant le premier cas de peste.

Titre IV.—Marchandises ou Objets susceptibles envisagés au point de vue des Défenses d'Importation ou de Transit, et de Désinfection.

I.—Importation et Transit.

Les objets ou marchandises susceptibles qui peuvent être introduits à l'entrée sont :—

1. Les linges de corps, hardes, et vêtements portés (effets d'usage), les literies ayant servi.

Lorsque ces objets sont transportés comme bagages ou à l'occasion d'un changement de domicile (effets d'installation), ils sont soumis à un régime spécial.

Les paquets laissés par les soldats et les matelots, et renvoyés dans leur patrie après décès, sont assimilés aux objets compris dans le § 1 qui précède.

2. Les chiffons et drilles, sans en excepter les chiffons comprimés par la force hydraulique, qui sont transportés comme marchandises en ballots ;

3. Les sacs usés, les tapis, les broderies ayant servi ;

4. Les cuirs verts, les peaux non tannées, les peaux fraîches ;

5. Les débris frais d'animaux, onglons, sabots, crins, poils, et laines brutes ;

6. Les cheveux.

Le transit des marchandises ou objets susceptibles, emballés de telle façon qu'ils ne puissent être manipulés en route, ne doit pas être interdit.

De même, lorsque les marchandises ou objets susceptibles sont transportés de telle façon qu'en cours de route ils n'aient pu avoir contact avec des objets souillés, leur transit à travers une circonscription territoriale contaminée ne doit pas être un obstacle à leur entrée dans le pays de destination.

Les marchandises et objets susceptibles ne tomberont pas sous l'application des mesures de prohibition à l'entrée s'il est démontré

de destination qu'ils ont été expédiés cinq jours
le premier cas de peste.
admissible que les marchandises puissent être
arantaine aux frontières de terre. La prohibition
ou la désinfection, sont les seules mesures qui
ses.

II.—*Désinfection.*

la désinfection sera obligatoire pour le linge sale, les
s, et objets qui font partie de bagages ou de mobiliers
ation) provenant d'une circonscription territoriale
uinée, et que l'autorité Sanitaire locale considérera
nés.

s. — La désinfection ne sera appliquée qu'aux
objets que l'autorité Sanitaire locale considérera
inés, ou à ceux dont l'importation peut être

t à l'autorité du pays de destination de fixer le
t de la désinfection.

ion devra être faite de manière à ne détériorer les
oins possible.

t à chaque État de régler la question relative au
uel de dommages-intérêts résultant d'une désinfec-

et correspondances, imprimés, livres, journaux,
es, &c. (non compris les colis-postaux), ne seront
e restriction ni désinfection.

*ures à prendre aux Frontières Terrestres ; Service des
Chemins de Fer ; Voyageurs.*

affectées au transport des voyageurs, de la poste, et
peuvent être retenues aux frontières.

qu'une de ces voitures soit souillée, elle sera
ain pour être désinfectée, soit à la frontière, soit
l'arrêt la plus rapprochée, lorsque la chose sera

e même pour les wagons à marchandises.

plus établi de quarantaines terrestres. Seules les
sentant des symptômes de peste peuvent être

n'exclut pas le droit pour chaque État, de fermer,
partie de ses frontières.

que les voyageurs soient soumis, au point de vue de

leur état de santé, à une surveillance de la part du personnel de chemins de fer.

L'intervention médicale se bornera à une visite des voyageurs et aux soins à donner aux malades.

S'il y a visite médicale, elle sera combinée autant que possible avec la visite douanière, de façon que les voyageurs soient retenus le moins longtemps possible.

Dès que les voyageurs venant d'un endroit contaminé seront arrivés à destination, il serait de la plus haute utilité de les soumettre à une surveillance de dix jours à compter de la date du départ.

Les mesures concernant le passage aux frontières du personnel des chemins de fer et de la poste sont du ressort des Administrations intéressées. Elles seront combinées de façon à ne pas entraver le service régulier.

Les Gouvernements se réservent le droit de prendre des mesures particulières à l'égard de certaines catégories de personnes, notamment envers—

(a.) Les bohémiens et les vagabonds;

(b.) Les émigrants et les personnes voyageant ou passant la frontière par troupes.

Titre VI.—*Régime Spécial des Zones-Frontières.*

Le règlement du trafic-frontière et des questions inhérentes à ce trafic, ainsi que l'adoption de mesures exceptionnelles de surveillance, doivent être laissés à des arrangements spéciaux entre les États limitrophes.

Titre VII.—*Voies Fluviales, Fleuves, Canaux, et Lacs.*

On doit laisser aux Gouvernements des États riverains le soin de régler, par des arrangements spéciaux, le régime sanitaire des voies fluviales.

Titre VIII.—*Partie Maritime; Mesures à prendre dans les Ports.*

Est considéré comme *infecté* le navire qui a la peste à bord ou qui a présenté un ou plusieurs cas de peste depuis douze jours.

Est considéré comme *suspect* le navire à bord duquel il y a eu des cas de peste au moment du départ ou pendant la traversée, mais aucun cas nouveau depuis douze jours.

Est considéré comme *indemne*, bien que venant d'un port contaminé, le navire qui n'a eu ni décès ni cas de peste à bord, soit

art, soit pendant la traversée, soit au moment de

es *infectés* sont soumis au régime suivant :—

lades sont immédiatement débarqués et isolés.

autres personnes doivent être également débarquées, si
omises à une observation ou à une surveillance* dont
era selon l'état sanitaire du navire et selon la date du
ans pouvoir dépasser dix jours.

re sale, les effets à usage, et les objets de l'équipage et
qui, de l'avis de l'autorité Sanitaire du port, seront
me contaminés, seront désinfectés.

de la cale sera évacuée après désinfection et l'on
ne bonne eau potable à celle qui est emmagasinée à

les parties du navire qui ont été habitées par les
ont être désinfectées. Une désinfection plus étendue
ordonnée par l'autorité Sanitaire locale.

es *suspects* sont soumis aux mesures ci-après :—

médicale ;

ection : le linge sale, les effets à usage, et les objets
et des passagers qui, de l'avis de l'autorité Sanitaire
considérés comme contaminés, seront désinfectés ;

ation de l'eau de la cale après désinfection et sub-
e bonne eau potable à celle qui est emmagasinée à

ection de toutes les parties du navire qui ont été
les pesteux. Une désinfection plus étendue pourra
par l'autorité Sanitaire locale.

ommandé de soumettre à une surveillance, au point de
état de santé, l'équipage et les passagers pendant dix
de l'arrivée du navire.

lement recommandé d'empêcher le débarquement de
uf pour raisons de service.

es *indemnes* seront admis à la libre pratique immédiate,
t la nature de leur patente.

régime que peut prescrire à leur sujet l'autorité du
e consiste dans les mesures applicables aux navires
te médicale, désinfection, évacuation de l'eau de cale
n d'une bonne eau potable à celle qui est emmagasinée
toutefois ce qui a trait à la désinfection du navire.

observation" veut dire : isolement des voyageurs soit à bord d'un
un lazaret, avant qu'ils n'obtiennent la libre pratique.

surveillance" veut dire : les voyageurs ne seront pas isolés ; ils
uite la libre pratique, mais sont suivis dans les diverses localités
t et soumis à un examen médical constatant leur état de santé.

Il est recommandé de soumettre à une surveillance, au point de vue de leur état de santé, l'équipage et les passagers pendant dix jours à compter de la date où le navire est parti du port contaminé.

Il est également recommandé d'empêcher le débarquement de l'équipage sauf pour raisons de service.

Il est entendu que l'autorité compétente du port d'arrivée pourra toujours réclamer un certificat du médecin du bord ou, à son défaut, du capitaine, et sous serment, attestant qu'il n'y a pas eu de cas de peste sur le navire depuis le départ.

L'autorité compétente du port tiendra compte, pour l'application de ces mesures, de la présence d'un médecin et d'un appareil de désinfection (étuve) à bord des navires des trois catégories susmentionnées.

Des mesures spéciales peuvent être prescrites à l'égard des navires encombrés, notamment des navires d'émigrants ou de tout autre navire offrant de mauvaises conditions d'hygiène.

Les marchandises arrivant par mer ne peuvent être traitées autrement que les marchandises transportées par terre, au point de vue de la désinfection et des défenses d'importation, de transit, et de quarantaine.

Tout navire qui ne voudra pas se soumettre aux obligations imposées par l'autorité du port sera libre de reprendre la mer.

Il pourra être autorisé à débarquer ses marchandises, après que les précautions nécessaires auront été prises, à savoir :—

1. Isolement du navire, de l'équipage, et des passagers ;
2. Évacuation de l'eau de la cale, après désinfection ;
3. Substitution d'une bonne eau potable à celle qui était emmagasinée à bord.

Il pourra également être autorisé à débarquer les passagers qui en feraient la demande, à la condition que ceux-ci se soumettent aux mesures prescrites par l'autorité locale.

Chaque pays doit pourvoir au moins un des ports du littoral de chacune de ses mers d'une organisation et d'un outillage suffisants pour recevoir un navire, quel que soit son état sanitaire.

Les bateaux de cabotage feront l'objet d'un régime spécial à établir d'un commun accord entre les pays intéressés.

Titre IX.—Mesures à prendre à l'égard des Navires provenant d'un Port contaminé et remontant le Danube.

En attendant que la ville de Soulina soit pourvu d'une bonne eau potable, les bateaux qui remontent le fleuve devront être soumis à une hygiène rigoureuse.

L'encombrement des passagers sera strictement interdit.

ix entrant en Roumanie par le Danube seront retenus
te médicale et jusqu'à parachèvement des opérations
a.

ux se présentant à Soulina devront subir, avant de
nter le Danube, une ou plusieurs visites médicales
r. Chaque matin, à une heure indiquée, le médecin
l'état de santé de tout le personnel du bateau et ne
trée que s'il constate que cet état est satisfaisant. Il
s frais au capitaine ou au batelier un passeport
patente, ou certificat dont la production sera exigée
ltérieurs.

ne visite chaque jour. La durée de l'arrêt à Soulina
n infectés ne dépassera pas six jours. La désinfection
taminés sera effectuée dès l'arrivée.

tuera une eau potable de bonne qualité à l'eau
pourrait être à bord.

a cale sera désinfectée.

es qui viennent d'être indiquées ne seront applicables
ances des ports contaminés de peste.

a entendu qu'un navire provenant d'un port non con-
taminé, s'il ne veut pas être soumis aux mesures restrictives
t indiquées, ne pas accepter les voyageurs venant d'un
é.

pour les bateaux suspects et infectés sera le même
autres ports d'Europe.

L.—*Instructions recommandées pour faire les Opérations de Désinfection.*

des, vieux chiffons, pansements infectés, les papiers et
sans valeur seront détruits par le feu.

ges, objets de literie, vêtements, matelas, tapis, &c.,
a suspects, seront désinfectés dans des étuves fonction-
sion normale ou à la pression d'une atmosphère et demi à
res, avec ou sans circulation de vapeur saturée.

e considérées comme instruments de désinfection
étuves doivent être soumises à des épreuves indiquant,
ermomètre à signal, le moment où la température réelle
in d'un matelas s'élève au moins à 100 degrés.

certain de l'efficacité de l'opération, cette température
tenue réelle pendant dix à quinze minutes.

ns désinfectantes:—

ion de sublimé à 1 pour 1,000, additionnée de 10 grammes
e sodium.

Cette solution sera colorée avec du *bleu d'aniline* ou du *d'indigo*. Elle ne sera pas mise dans des vases métalliques.

(b.) Solution d'acide phénique pur cristallisé à 5 pour cent d'acide *phénique brut, impur, du commerce* à 5 pour cent dans dissolution chaude de savon noir.

(c.) Le lait de chaux fraîchement préparé.*

4. Recommandations spéciales à observer dans l'emploi des solutions désinfectantes.

On plongera dans la solution de sublimé les linges, vêtements, objets souillés par les déjections des malades. La solution d'acide phénique pur et la solution savonneuse phéniquée conviennent parfaitement pour le même usage. Les objets resteront dans la solution six heures au moins.

On lavera avec la solution de sublimé les objets qui ne peuvent supporter sans détérioration la température de l'étuve (100 degrés). Les objets en cuir, bois collé, feutre, velours, soie, &c.; les pièces de monnaie pourront être désinfectées par la solution phéniquée savonneuse.

Les personnes qui donnent des soins aux malades se laveront les mains et le visage avec la solution de sublimé ou une des solutions phéniquées.

Les solutions phéniquées serviront surtout pour désinfecter les objets qui ne supportent ni la température de 100 degrés centigrade, ni le contact du sublimé, tels que les métaux, instruments, &c.

Le lait de chaux est spécialement recommandé pour la désinfection des déjections et des vomissements. Les crachats et matières purulentes doivent être détruits par le feu.

5. Désinfection des bateaux occupés par des malades atteints de peste.

On videra la ou les cabines et toutes les parties du bâtiment occupées par des malades ou des suspects; on soumettra tous les objets aux prescriptions précédentes.

On désinfectera les parois à l'aide de la solution de sublimé additionnée de 10 pour cent d'alcool. La pulvérisation se fera commençant par la partie supérieure de la paroi suivant une ligne horizontale; on descendra successivement de telle sorte que la surface soit couverte d'une couche de fines gouttelettes.

* Pour avoir du lait de chaux très actif, on prend de la chaux de qualité, on la fait se déliter en l'arrosant petit à petit avec la moitié de son volume d'eau. Quand la délitescence est effectuée, on met la poudre dans un récipient soigneusement bouché et placé dans un endroit sec. Comme 1 kilog. de chaux qui absorbe 500 grammes d'eau pour se déliter a acquis un volume de 2-200 il suffit de la délayer dans le double de son volume d'eau, soit 4 kilog. 400 pour avoir un lait de chaux qui soit environ à 20 pour cent.

ers seront lavés avec la même solution.

res après, on frottera et on lavera les parois et le
nde eau.

ction de la cale d'un navire infecté.

nfecter la cale d'un navire on injectera d'abord, afin
r l'hydrogène sulfuré, une quantité suffisante de
, on videra l'eau de la cale, on la lavera à l'eau de
injectera une certaine quantité de la solution de

ale ne sera pas déversée dans un port.

— *Mesures de Préservation qu'il est recommandé de
bord des Navires au moment du Départ, pendant la
et lors de l'Arrivée.*

transmission de la peste paraît se faire par les
s malades (crachats, déjections), les produits morbides
des bubons, des anthrax, &c.), et, par suite, par les
ements, et les mains souillées.

— *Mesures à prendre au point de Départ.*

taine veillera à ne pas laisser embarquer les personnes
re atteintes de la peste. Il refusera d'accepter à bord
des, objets de literie, et en général tous objets sales ou

de literie, vêtements, hardes, &c., ayant appartenu à
atteints de peste ne seront pas admis à bord.

l'embarquement, le navire sera mis dans un état de
ite ; au besoin il sera désinfecté.

indispensable que l'eau potable embarquée à bord
une source qui soit à l'abri de toute contamination

pose à aucun danger si elle est distillée ou bouillie.

— *Mesures à prendre pendant la Traversée.*

désirable que dans chaque navire un endroit spécial
pour isoler les personnes atteintes d'une affection con-

a existe pas, la cabine ou tout autre endroit dans lequel
est atteinte de peste sera mis en interdit.

personnes chargées de donner des soins aux malades y
trer.

Elles-mêmes seront isolées de tout contact avec les autres personnes.

3. Les objets de literie, les linges, les vêtements qui auront été en contact avec le malade seront immédiatement, et dans la chambre même du malade, plongé dans une solution désinfectante. Il en sera de même pour les vêtements des personnes qui leur auront donné des soins et qui auraient été souillés.

Ceux de ces objets qui n'ont pas de valeur seront brûlés ou jetés à la mer, si le navire n'est pas dans un port ou dans un canal. Les autres seront portés à l'étuve dans des sacs imperméables lavés avec une solution de sublimé, de façon à éviter tout contact avec les objets environnants.

S'il n'y a pas d'étuve à bord, ces objets resteront plongés dans la solution désinfectante pendant six heures.

4. Les excréments des malades (crachats, matières fécales, urine) seront reçus dans un vase dans lequel on aura préalablement versé un verre d'une solution désinfectante indiquée plus haut.

Ces excréments seront immédiatement jetées dans les cabinets. Ceux-ci seront rigoureusement désinfectés après chaque projection.

5. Les locaux occupés par les malades seront rigoureusement désinfectés suivant les règles indiquées plus haut.

6. Les cadavres, préalablement enveloppés d'un suaire imprégné de sublimé, seront jetés à la mer.

7. Toutes les opérations prophylactiques exécutées pendant la traversée seront inscrites sur le journal du bord, qui sera présenté à l'autorité Sanitaire au moment de l'arrivée dans un port.

8. Ces prescriptions devront être appliquées à tout ce qui a été en contact avec les malades, quelles qu'aient été la gravité et l'issue de la maladie.

III.—Mesures à prendre lors de l'Arrivée.

1. Si le navire est infecté, les personnes atteintes seront débarquées et isolées dans un local spécial.

Seront considérés comme douteux les individus ayant été en contact avec les malades.

2. Tous les objets contaminés et les objets tels que les habits, les objets de literie, matelas, tapis, et autres objets qui ont été en contact avec le malade, les vêtements de ceux qui lui ont donné des soins, les objets contenus dans la cabine du malade et dans les cabines, le pont, ou les parties du pont sur lesquelles le malade aurait séjourné, seront désinfectés.

CHAPITRE V.—*Surveillance et Exécution.*

Conseil Supérieur de Santé de Constantinople (Mer Noire, Golfe Persique, Frontières Turco-Persane et Turco-

en pratique et la surveillance des mesures contre la peste arrêtées par la présente Convention sont entendue de la compétence du Conseil Supérieur de Constantinople, au Comité établi par l'Article 1^{er} de la Convention de Paris du 3 Avril, 1894,* avec cette interprétative, que les membres de ce Comité seront nommés dans le sein du Conseil Supérieur de Santé de Constantinople, et représenteront les Puissances qui auront adhéré aux Conventions Sanitaires de Venise, 1892,† de Paris, 1894,* et de Venise, 1897.§

des médecins diplômés et compétents, de désinfecteurs, mécaniciens bien exercés, et des gardes sanitaires et les personnes ayant fait le service militaire, comme sous-officiers, prévu à l'Article II de l'Annexe IV de la Convention, est chargé d'assurer le bon fonctionnement des établissements Sanitaires énumérés et institués par les Règle-

ments d'établissement des postes Sanitaires définitifs prévus par la présente Convention sont, quant à la location des bâtiments, à la charge du Gouvernement Ottoman. Le Conseil Supérieur de Santé de Constantinople est autorisé, si l'urgence le requiert, à faire l'avance des sommes nécessaires à la réserve, qui lui seront fournies, sur sa demande, par le Gouvernement Mixte chargé de la révision du Tarif Sanitaire." Dans ce cas, veiller à la construction de ces établissements.

Le Conseil Supérieur de Santé de Constantinople devra, en outre, sans délai les établissements Sanitaires de Hannikim, près de Bayazid, sur les frontières Turco-Persane, au moyen des fonds qui sont dès maintenant mis à

disposition des articles 4, 5, et 6 de l'Annexe IV de la Convention de 1894 sont applicables aux dispositions du présent Règle-

du Conseil Sanitaire, Maritime, et Quarantenaire d'Égypte.

Les dépenses résultant des mesures prévues par les Règles de la Convention pourront être couvertes par

LXXVII, page 78.

† Vol. LXXXIV, page 12.

LXXV, page 7.

§ Page 159.

les moyens suivants que la Conférence a recommandés autant les nouvelles installations aux Sources de Moïse que pour l'augmentation du personnel dépendant du Conseil Sanitaire :—

(a.) Prorogation, avec l'assentiment des Puissances, du Khédivial du 28 Décembre, 1896 (fixant au 1^{er} Juillet, 1897, l'expiration en vigueur du tarif réduit des droits de phare), jusqu'au moment où la différence entre le rendement du tarif actuel et du tarif réduit aura atteint le chiffre de £ E. 4,000. La somme ainsi réalisée sera affectée aux dépenses extraordinaires (nouvelles installations aux Sources de Moïse).

(b.) Pour les dépenses ordinaires (augmentation du personnel, versement annuel au Conseil Sanitaire, par le Gouvernement Égyptien, d'une somme de £ E. 4,000, qui pourrait être prélevée sur l'excédent du service des phares resté à la disposition du Gouvernement. Toutefois il sera déduit de cette somme le montant d'une taxe quarantenaire supplémentaire de P. T.-10 (pour le tarif) par pèlerin, à prélever à El-Tor.

Au cas où le Gouvernement Égyptien verrait des difficultés à supporter cette part dans les dépenses, les Puissances représentées au Conseil Sanitaire s'entendraient avec le Gouvernement Égyptien pour assurer la participation de ce dernier aux dépenses prévues.

The following Procès-verbal respecting the Deposit of the Ratifications and Declaration amending Article 35 of the Special Regulations were subsequently signed.

LES Parties Contractantes ayant unanimement accepté l'échange des ratifications de la Convention Sanitaire de Venise, le 19 Mars, 1897, se ferait moyennant le dépôt des instruments respectifs aux archives du Ministère des Affaires Étrangères d'Italie, le présent procès-verbal de dépôt a été, à cet effet, dressé au Ministère Royal des Affaires Étrangères, ce jourd'hui 19 Mars 1898.

Les Parties Contractantes sont d'accord à considérer que la Convention est étant régulièrement prorogé jusqu'au 19 Septembre, 1898, le jour que la Convention avait fixé pour l'échange des ratifications.

La Légation de Sa Majesté le Roi d'Italie à Lisbonne, par son Rapport du 18 Février, 1898, ayant informé que le Gouvernement de Portugal, par deux communications, en date du 5 et du 12 du même mois, lui avait fait savoir qu'il ne donnait pas son adhésion finale à la Convention Internationale Sanitaire de Venise, et qu'il avait acquis que le Portugal, dont les Délégués avaient signé la Co

endum, ne peut pas être considéré comme Partie

le dépôt des ratifications de Sa Majesté le Roi
a Majesté le Roi d'Italie, Son Altesse Royale le
Luxembourg a été effectué ce même jour, 19 Mars,

(L.S.) A. VAN LOO.

(L.S.) BONIN.

ccessivement présentées au dépôt:—

in, 1898, la ratification de Sa Majesté l'Empereur

(L.S.) SAURMA.

t, 1898, la ratification du Président de la République

(L.S.) CAMILLE BARRÈRE.

et, 1898, la ratification de Sa Majesté l'Empereur de
ssies.

(L.S.) KROUPENSKY.

t, 1898, la ratification de Sa Majesté l'Empereur
oi de Bohême, &c., et Roi Apostolique de Hongrie.

(L.S.) LAD. MÜLLER.

embre, 1898, la ratification de Sa Majesté la Reine des

(L.S.) J. LOUDON.

embre, 1898, la ratification de Sa Majesté le Roi de
délai pour le dépôt des ratifications ayant été, d'un
d, prorogé jusqu'au 31 Décembre, 1898.

(L.S.) ALEX. LAHOVARY.

jour 30 Décembre, 1898, a été présentée au dépôt
du Conseil Fédéral Suisse.

(L.S.) CARLIN.

ême date du 30 Décembre, 1898, la ratification de
a Reine du Royaume-Uni de la Grande-Bretagne
Impératrice des Indes, a été également présentée au

(L.S.) PHILIP CURRIE.

20 Janvier, 1899, la ratification de Son Altesse le
ténégro a été déposée par l'Ambassadeur d'Autriche-

Hongrie près le Roi d'Italie, à ce dûment délégué par le Gouvernement Princier.

(L.S.) M. PASETTI.

Ce jour, 19 Mars, 1899, a été déposée la ratification de Sa Majesté la Reine-Régente d'Espagne, le délai pour le dépôt des ratifications ayant été encore une fois prorogé jusqu'à cette date.

(L.S.) C. DEL MAZO.

Une dernière prorogation de ce délai ayant été, enfin, consentie par les États Signataires de la Convention jusqu'au 31 Octobre 1899, en ce même jour la ratification de Sa Majesté le Schah de Perse a été déposée, avec la déclaration que tous les Gouvernements Signataires et ratifiants avaient préalablement admise, à savoir : "qu'il demeure entendu que le pavillon qui flottera sur la station Sanitaire d'Ormuz sera le pavillon Persan et que les gardes sanitaires qui seraient nécessaires pour assurer l'observation des mesures sanitaires seront fournis par le Gouvernement Persan."

(L.S.) N. MALCOM.

Ce même jour, 31 Octobre, 1899, le présent procès-verbal de dépôt des ratifications a été définitivement clos.

Les États Signataires de la Convention, dont l'énumération n'ont pas déposé leur ratification, à savoir :—

1. Le Portugal, dont la déclaration est reproduite ci-dessus.
2. La Serbie, qui a formellement annoncé le 21 Janvier, 1899, sa décision de ne pas ratifier la Convention, que son Délégué à la Conférence de Venise avait signée *ad referendum*.
3. La Turquie, qui a déclaré de vouloir subordonner sa ratification à des réserves non acceptées par l'unanimité des autres Parties Contractantes.

4. La Grèce, qui vient de déclarer, sous la date du 18 Octobre 1899, son intention de ne ratifier la Convention que le jour où elle se serait ratifiée par la Turquie.

Le présent procès-verbal de dépôt, revêtu des signatures et sceaux des Représentants respectifs, reste déposé, comme original unique, aux archives du Ministère Royal des Affaires Étrangères d'Italie, par les soins duquel une copie certifiée conforme a été délivrée à chacun des États qui ont pris part au dépôt.

Rome, ce 31 Octobre, 1899.

Vu pour copie certifiée conforme à l'original,
MALVANO, Secrétaire-Général au Ministère Royal
des Affaires Étrangères d'Italie.

*ending Article 35 of the Special Regulations.—Signed
at Rome, January 24, 1900.*

His Majesty's ratification of this Declaration bears
date the 24th February, 1900.)

Signataires de la Convention Sanitaire Internationale
le 19 Mars, 1897, ayant reconnu la nécessité de
l'Article 35 du Règlement Spécial, "Mesures à prendre
vis-à-vis des pèlerins," inséré au Chapitre 1^{er} du Règle-
ment annexé à la dite Convention, en vue de le mettre en
exécution, l'Article 11 du même Règlement, les Soussignés,
autorisés par leurs Gouvernements respectifs, déclarent

que l'Article 35 du Règlement Spécial précité est ainsi modifié :—
"Le Capitaine convaincu d'avoir ou d'avoir eu à bord des
navires la présence d'un et, éventuellement, d'un second
non missionné, conformément aux prescriptions de
l'Article 35, est passible d'une amende de £ T. 300."

Cette modification sera soumise à l'approbation du Corps Légis-
latif de chaque pays où cette approbation est requise ; elle entrera
en vigueur que les ratifications en seront échangées, à Rome,
conformément à la convention conclue pour les ratifications de la Convention à
Paris, le 17 Mars 1892.

Fait à Rome, le 24 Janvier, 1900.

Pour l'Italie :

(L.S.) VISCONTI-VENOSTA, *Ministre des
Affaires Étrangères.*

Pour l'Allemagne :

(L.S.) C. GE. V. WEDEL, *Ambassadeur
d'Allemagne.*

Pour l'Autriche et la Hongrie :

(L.S.) M. PASETTI, *Ambassadeur d'Autriche-
Hongrie.*

Pour la Belgique :

(L.S.) A. VAN LOO, *Ministre de Belgique.*

Pour l'Espagne :

(L.S.) LE COMTE DE CHACON, *Chargé
d'Affaires d'Espagne.*

Pour la France :

(L.S.) CAMILLE BARRÈRE, *Ambassadeur
de France.*

Pour la Grande-Bretagne :

(L.S.) CURRIE, *Ambassadeur de la Grande-
Bretagne.*

Pour le Luxembourg :

(L.S.) A. VAN LOO, *Ministre de Belgique.*

Pour le Monténégro :

(L.S.) M. PASETTI, *Ambassadeur d'Autriche Hongrie.*

Pour les Pays-Bas :

(L.S.) WESTENBERG, *Ministre des Pays-Bas*

Pour la Perse :

(L.S.) MALCOM, *Ministre de Perse.*

Pour la Roumanie :

(L.S.) A. C. CATARGI, *Ministre de Roumanie.*

Pour la Russie :

(L.S.) NÉLIDOW, *Ambassadeur de Russie.*

Pour la Suisse :

(L.S.) CARLIN, *Ministre de Suisse.*

*AGREEMENT between Great Britain and Belgium, supplementary to the Agreement of ^{January 12} 1894, for the Exchange of Postal Parcels.—Signed at Brussels, May 14, 1897; and at London, June 24, 1897.**

THE Post Office of Great Britain and Ireland and the Belgian Administration of State Railways agree to complete as follows the Agreement of the 12th January and the 9th February, 1894:—†

(A.)—*Agreement.*

Article Va.—1. The parcels shall, at the request of the senders, be delivered by special messenger immediately after the arrival at the office of delivery.

2. On these parcels, which shall be styled “Express Parcels,” and shall be marked as such by the senders, an express delivery fee of 5*d.* or 50 centimes shall be payable by the senders, in addition to the postage. This fee shall be credited on the parcel-bill to the post-office of the country of destination.

3. When the residence of the addressee of an express parcel is at a distance from the office of delivery, that office may collect for the delivery of the parcel a supplementary charge not exceeding the fee fixed for such delivery, according to the inland tariff of the country of destination, less the special fee paid by the sender or its equivalent in the money of the country levying this supplementary charge.

* Signed also in the French language.

† Vol. LXXXVI, page 14.

attempt shall be made to deliver an express parcel by messenger. After a fruitless attempt, such a parcel shall be considered as an express parcel; and its delivery shall be on the conditions fixed for ordinary parcels.

An express parcel shall be redirected to another country if no attempt has been made to deliver it by special messenger, and a delivery fee shall be credited to the Post Office of the new destination, provided that this office has consented to express delivery. Otherwise the fee shall be retained at the first destination; and this shall also be done in the case of delivered parcels.

(B.)—*Detailed Regulations.*

I. The following paragraph must be added after

“Parcels and also their dispatch-notes shall be impressed with a red wax seal, or have affixed to them a label, showing the word ‘EXPRESS’ in bold letters.”

II. This Article must be completed as follows:—

“If an express parcel is entered on the parcel-bill, the word ‘EXPRESS’ shall be written against the entry in the column for

“Copies of the Convention were deposited at London on the 24th June, 1897; and at Bern on the 14th May, 1897.

(S.) NORFOLK, *Postmaster-General of the United Kingdom of Great Britain and Ireland.*

(S.) J. VANDENPEERENBOOM, *Ministre des Chemins de Fer, Postes, et Télégraphes.*

Convention of the Orange Free State to the Postal Union signed at Vienna, July 4, 1891.—October 15,

Foreign Office to the Post Office.

Foreign Office, October 23, 1897.

“I am directed by the Marquess of Salisbury to transmit to you, Sir, Her Majesty’s Postmaster-General, the accompanying note from the Swiss Minister, notifying the accession of the Orange Free State to the International Postal Convention (Convention), and to the Regulations attached to it, but

excluding the other instruments drawn up at the Congress of Vienna.

I am, &c.,

The Secretary to the Post Office.

T. H. SANDE

(*Inclosure.*)—*M. Bourcart to the Marquess of Salisbury*

Légation de Suisse à Londres

le 15 Octobre, 1898

M. LE MARQUIS,

JE suis chargé de porter à la connaissance de votre Seigneurie, par note datée du 12 Juillet écoulé, le Président de l'État d'Orange a informé le Conseil Fédéral de l'adhésion de ce pays à la Convention Postale Universelle (Convention Principale),* Règlement d'exécution qui s'y rapporte, à l'exclusion des actes conclus au Congrès de Vienne.

Je m'empresse de notifier cette adhésion à votre Seigneurie conformément à l'Article XXIV de cette même Convention, en ressortir ce qui suit:—

1. La date de l'accession est fixée au 1^{er} Janvier, 1898.

2. Les offices de poste de l'État Libre d'Orange perçoivent comme équivalents prévus par l'Article IV du Règlement l'exécution de la Convention Postale Universelle:—

Pour 25 centimes	..	..	..	..	2½ pence.
Pour 10 centimes	..	..	..	..	1 penny.
Pour 5 centimes	..	..	..	..	½ penny.

3. Pour la répartition des frais de l'Union Postale, l'État d'Orange est rangé dans la sixième classe prévue au chiffre de l'Article XXXII au Règlement mentionné au chiffre 2 ci-dessus.

Je saisis, &c.,

Le Marquis de Salisbury.

C. D. BOURCART

ADDITIONAL ARTICLES to the Agreement of the 10th May and the 11th June, 1895,† concerning the Exchange of Parcels by Parcel Post between Egypt and the Kingdom of Great Britain and Ireland.—Signed at London, December 21, 1897; and at Alexandria, December 28, 1897.

THE Post Office of the United Kingdom and the Post Office of Egypt agree to admit to the parcel post between the two countries parcels to be delivered by special messenger and parcels to be delivered free of all charge.

* Vol. LXXXIII, page 513.

† Vol. LXXXVII, page 513.

will be subject to the following Regulations:—
 Parcels sent by parcel post between the British Isles and
 at the request of the senders, be delivered by special
 messenger immediately after arrival at the office of delivery.

Express parcels, which shall be styled "Express Parcels,"
 marked as such by the senders, an express delivery fee
 shall be payable by the senders, in addition to
 the ordinary fee. This fee shall be credited on the parcel-bill to the
 benefit of the country of destination.

At the residence of the addressee of an express parcel is
 beyond the office of delivery, that office may collect for
 the parcel a supplementary charge not exceeding the
 cost of such delivery, according to the inland tariff of the
 country of destination, less the equivalent of the special fee paid by
 the sender.

A fruitless attempt shall be made to deliver an express parcel
 by messenger. After a fruitless attempt, such a parcel shall
 be treated as an ordinary parcel.

An express parcel shall be redirected to another country
 if an attempt has been made to deliver it by special messenger,
 and the delivery fee shall be credited to the Post Office of the
 country of destination, provided that this office undertakes
 the delivery. Otherwise, the fee shall be retained by the office
 of origin; and this shall also be done in the case
 of parcels.

Express parcels, and also their dispatch-notes, shall be im-
 stamped, or have affixed to them a label showing the
 words "Express" in bold letters.

When an express parcel is entered on the parcel-bill,
 the word "Express" shall be written against the entry in the column
 for the purpose.

Express parcels forwarded in a mail shall be placed as
 far as possible, in the receptacle which contains the
 other documents. When this is not the case, the
 position of the express parcels shall be indicated by a
 label.

The sender of a parcel may take upon himself the payment
 due upon it in the country of destination, provided
 he previously notifies his desire to the office of posting, and
 pays the charges in question on demand.

To meet the work involved in this arrangement, the office of
 origin shall collect and retain a fee not exceeding 6d. per parcel.
 The office of destination shall collect in advance such sum as it considers sufficient
 to meet the charges which will become payable.

A parcel sent under this arrangement must be legibly

marked with the words "Franc de droits," and must be accompanied by a franking-note in conformity with, or analogous to, the specimen hereto annexed. Such parcels must also be distinguished on the parcel-bill by an entry in the column for observations.

XI. The receiving office of exchange must enter on the franking note the particulars of the charges payable on the parcel, and must return the note as soon as possible to the dispatching office of exchange attached to a parcel-bill, on which the sum due must be debited to that office.

XII. The arrangements for express delivery, and for delivery free of charge, shall apply also to parcels sent through the United Kingdom or Egypt to and from other countries which have adopted similar arrangements.

XIII. These Additional Articles shall come into operation on the 1st January, 1898, and shall have the same duration as the Agreement of the 29th May and the 11th June, 1895.

Done in duplicate, in London, on the 21st day of December, 1897; and in Alexandria, on the 28th day of December, 1897.

(L.S.) NORFOLK, *Postmaster-General of the United Kingdom of Great Britain and Ireland.*

(L.S.) Y. SABA, *Postmaster-General, Egypt.*

Franking Note.

THE accompanying parcel, No. _____, sent by _____, addressed to _____ at _____, is to be delivered free of all charge.

The parcel is entered at No. _____ on the parcel-bill of the _____, 189 .

The receiving office of exchange will be good enough to enter below and to claim on a parcel-bill the amount of customs and other charges due upon the parcel in the country of destination, returning this notice as a voucher in support of the claim.

(Date stamp of dispatching office
of exchange.)

(Signature.)

The charges above referred to are as follows :—

Customs duties	..	..	..	..	..	_____
Other charges	..	..	..	..	..	_____
Total	..	..	..	..	..	_____

This amount is claimed on the parcel-bill of the _____, 189 .

(Date stamp of receiving office
of exchange.)

(Signature.)

NT supplementary to the Convention of the 9th and 10th, 1886, between the Post Office of the United Kingdom of Great Britain and Ireland and the Postal Administration of the Netherlands, concerning the Exchange of Parcels.—Signed at London, July 5, 1897; and at The Hague, August 19, 1897.†*

Parcels sent by parcel post between the British Isles and the Netherlands shall, at the request of the senders, be delivered by special messenger immediately after arrival at the office of destination.

Express parcels, which shall be styled "Express Parcels," and marked as such by the senders, an express delivery fee (50 centimes) shall be payable by the senders, in addition to the postage. This fee shall be credited on the parcel-bill of the office of the country of destination.

At the residence of the addressee of an express parcel is not within the office of delivery, that office may collect for the delivery of the parcel a supplementary charge not exceeding the amount of such delivery, according to the inland tariff of the country of destination, less the equivalent of the special fee paid by the sender.

If no attempt shall be made to deliver an express parcel by special messenger. After a fruitless attempt, such a parcel shall be delivered by ordinary parcel.

If an express parcel shall be redirected to another country and no attempt has been made to deliver it by special messenger, the express delivery fee shall be credited to the Post Office of the country of destination, provided that this office undertakes the delivery. Otherwise, the fee shall be retained by the office of the country of destination; and this shall also be done in the case of ordinary parcels.

Express parcels, and also their dispatch-notes, shall be marked with a stamp, or have affixed to them a label, showing the words "Express" in bold letters.

When an express parcel is entered on the parcel-bill, the words "Express" shall be written against the entry in the column for the description of the contents.

Express parcels forwarded in a mail shall be placed all together as far as possible, in the receptacle which contains the other documents. When this is not the case, the

* Vol. LXXVII, page 34.

† Signed also in the Dutch language.

receptacle containing the express parcels shall be indicated **by** a special label.

Done in duplicate, at London, on the 5th July, 1897; and at the Hague, on the 19th August, 1897.

(L.S.) NORFOLK, *Postmaster-General of the United Kingdom of Great Britain and Ireland.*

(L.S.) HAVELAAR, *Director-General of Posts and Telegraphs of the Kingdom of the Netherlands.*

*AGREEMENT concerning the Express Delivery of Parcels exchanged between the United Kingdom of Great Britain and Ireland and Switzerland.—Signed at London, June 24, 1897; and at Berne, July 5, 1897.**

ART. I. Parcels sent by parcel post between Great Britain and Ireland and the British Colonies and possessions, which admit express delivery, on the one hand, and Switzerland, on the other hand, shall, at the request of the senders, be delivered by special messenger immediately after arrival at the office of delivery.

II. On these parcels, which shall be styled "Express Parcels," and shall be marked as such by the senders, an express delivery fee of 5*d.*, or 50 centimes, shall be payable by the senders, in addition to the postage.

This fee shall be credited on the parcel-bill to the Post Office of the country of destination.

III. When the residence of the addressee of an express parcel is at a distance from the office of delivery, that office may collect for the delivery of the parcel a supplementary charge not exceeding the fee fixed for such delivery, according to the inland tariff of the country of destination, less the equivalent of the special fee paid by the sender.

IV. Only one attempt shall be made to deliver an express parcel by special messenger. After a fruitless attempt, such a parcel shall be treated as an ordinary parcel.

V. If an express parcel shall be redirected to another country before any attempt has been made to deliver it by special messenger, the express delivery fee shall be credited to the Post Office of the new country of destination, provided that this office undertakes

* Signed also in the French language.

7. Otherwise the fee shall be retained by the office of destination; and this shall also be done in the case of parcels.

Express parcels and also their dispatch-notes shall be stamped with a stamp, or have affixed to them a label, showing the word "EXPRESS" in bold letters; this may also be indicated by a blue or purple pencil.

When an express parcel is entered on the parcel-bill, the word "EXPRESS" shall be written against the entry in the observations.

Express parcels forwarded in a mail shall be placed as far as possible, in the receptacle which contains the other documents. When this is not the case, the containing the express parcels shall be indicated by a special mark.

The present Agreement shall come into force on the

London on the 24th June, 1897; and at Berne on the

(S.) NORFOLK, *Postmaster-General of the United Kingdom of Great Britain and Ireland.*

(S.) LUTZ, *Directeur-Général des Postes Suisses.*

ANNEX supplementary to the Agreement of July 12th 1896, between the British and Swiss Post Offices, concerning the Exchange of Parcels by Parcel Post.—Signed at Berne, July 12, 1896; and at London, December 22, 1897.*

The Office of the United Kingdom of Great Britain and the Post Office of Switzerland agree to complete the Agreement of the 12th and 20th July, 1896,† and the conditions‡ for its execution:—

Article IX (a), in the following terms, shall be added to

1. The sender of a parcel may pay all the charges to which the parcel is liable on entry into the country of destination, if he so desires by making a special request to that effect. This Arrangement will apply to parcels sent in transit through the United Kingdom and Switzerland, provided that it is also adopted by the

* Signed also in the French language.

XXVIII, page 125.

† Vol. LXXXVIII, page 130.

countries of origin and destination. The Post Offices of Switzerland and the United Kingdom shall communicate to each other the necessary information.

II. An Article XII (a), in the following terms, shall be added to the detailed Regulations:

XII (a).—1. Parcels of which the senders request that they may be delivered to the addressees free of charge must be marked with the words "Franc de droits."

These words must also appear on the dispatch-note.

2. The office of origin of a parcel is authorized to collect a special fee for the work involved in the payment of the charges referred to. This fee may not exceed 6d. per parcel, and shall be retained by the said office.

3. Each parcel to be delivered free of charge must be accompanied by a franking-note in conformity with or analogous to specimen (H) hereto annexed.

When the same dispatch-note applies to several parcels, a single franking-note will suffice. The note must be mentioned in the column of the parcel-bill for observations.

4. The franking-notes shall be sent back as soon as possible through the office of exchange which dispatched the parcel. They shall be entered on the parcel-bill; but the entries shall not receive a consecutive number.

5. The amount due, particulars of which should appear on the franking-note, shall be brought to account in francs and centimes in column 11 of the parcel-bill.

III. The present Agreement shall come into operation on the 1st January, 1898, and shall have the same duration as the Agreement of the 12th and 20th July, 1896.

Done in duplicate, at London, on the 22nd December, 1897; and at Berne on the 24th November, 1897.

(L.S.) NORFOLK, *Postmaster-General of the United Kingdom of Great Britain and Ireland.*

(L.S.) LUTZ, *Directeur-Général des Postes Suisses.*

Annexe.

MODÈLE (H).

SPÉCIMEN (H).

es Postes Schweizerische Amministrazione delle
Postverwaltung. Poste Svizzere.

ement. *Frankozettel.* *Bollettino
d'Affrancazione.*

} No. Wertangabe
valeur déclarée } Fr.
valore dichiarato }

} an }
pour }
per }

in } soll dem Adressaten abgeliefert
à } doi être remis au destinataire
in } dev essere rimess al de-

} * _____

Für die Aufgabe-Poststelle: }
Pour l'office de poste d'origine: }
Per l'ufficio d'impostazione: }

Gebühren. Transport. Importo.	Betrag. Montant. Importo.	Zollgebühren. Droits de Douane. Diritti Doganali.	Betrag. Montant. Importo.
ach }			
er }			
.. ..			

Gesamtbetrag der Gebühren }
Somme totale des droits } Fr.
Somma totale dei diritti }

Das Bestimmungs-, bezw. Auswechslungsbureau: }
Le bureau destinataire, soit d'échange: }
L'ufficio destinatario, ossia di scambio: }

zu anzugeben, ob die Sendung "frei von Fracht," oder "frei
frei von Fracht und Zoll" ausgeliefert werden soll.

tactement si l'envoi doit être livré "franc de port," ou "franc
ne," ou enfin "franc de port et de droits de douane."

attamente se il collo dev'essere rimesso "franco di porto,"
"o "franco di porto e di dazio."

*AGREEMENT concerning the Exchange of Postal Parcels concluded between the Post Office of the United Kingdom of Great Britain and Ireland and the Postal Administration of Honduras.—Signed at Tegucigalpa, May 30, 1897; and at London, August 27, 1897.**

THE Post Office of the United Kingdom of Great Britain and Ireland and the Postal Administration of Honduras agree to effect a regular exchange of parcels, uninsured, and without collection of value on delivery, between Great Britain and Honduras.

The conditions of the exchange of parcels, both as regards parcels exchanged direct between Great Britain and Honduras and as regards parcels in transit, are determined by the following Regulations :—

ART. I.—1. Parcels uninsured and without collection of value on delivery may be forwarded from the United Kingdom to Honduras up to the weight of 11 lb. avoirdupois, and from Honduras to the United Kingdom up to the weight of 5 kilog.

2. The two Administrations shall determine under what conditions as to packing, dimensions, &c., the parcels are allowed to circulate, and also what classes of articles are prohibited.

II. The prepayment of the postage on postal parcels is compulsory.

III. The postage upon parcels from the United Kingdom for Honduras, or *vice versa*, shall be as follows :—

(a.) *From the United Kingdom.*

				<i>s.</i>	<i>d.</i>
For a parcel weighing not over 3 lb.	..	..	..	2	4
Over 3 lb., but not over 7 lb.	..	..	..	4	0
Over 7 lb., but not over 11 lb.	..	..	..	5	8

(b.) *From Honduras.*

				<i>Dol.</i>	<i>c.</i>
For a parcel weighing not over 1 kilog.	..	..	..	0	56
Over 1 kilog., but not over 3 kilog.	..	..	..	0	96
Over 3 kilog., but not over 5 kilog.	..	..	..	1	36

IV. The country of destination may levy from the addressees for the delivery of the parcels and for the fulfilment of the Custom-house formalities a fee, which shall not exceed in the case of any parcel the sum of 5 centimes for each 4 oz. (113 grammes) of weight, with a minimum of 25 centimes.

V.—1. Parcels originating in either of the contracting countries addressed to the other contracting country cannot be subjected to any postal charge other than those contemplated by the foregoing Articles III and IV and by Article VI following.

* Signed also in the Spanish language.

Postal Administrations shall fix, by common consent, under which there may be exchanged between their offices of exchange postal parcels originating in or foreign countries and sent in transit through one country.

redirection of postal parcels from one country to consequence of the removal of the addressees, as well as undelivered postal parcels, gives rise to a supplementary rates fixed by Article III against the addressees or need be, without prejudice to the claim for reimbursement of customs duties paid.

is forbidden to send by post parcels containing letters of the character of private correspondence, or articles of which is not authorized by the Customs or other regulations of the countries concerned.

Postal Administration of either of the contracting countries shall not be responsible for the loss or damage of any parcel. No indemnity can be claimed by the sender or either country.

In the event of either office desiring to adopt a system both Post Offices engage to use their best endeavours

Internal legislation of each of the contracting countries shall be applicable as regards everything not provided for by the provisions contained in the present Agreement.

Administrations of the contracting countries indicate localities which they admit to the international exchange of parcels; they regulate the mode of transmission of those parcels; and take all other measures of detail and order necessary for the performance of the present Agreement.

The present Agreement shall come into operation on the 1st September, 1897, and shall remain in force until one of the Contracting Parties shall have announced to the other, one year in advance, its intention to determine it.

Witness whereof the Undersigned, duly authorized for that purpose, have signed the present Agreement, and have affixed their seals.

Done in duplicate, and signed at Tegucigalpa, the 30th day of August, and at London, the 27th August, 1897.

(L.S.) NORFOLK, *Postmaster-General of the United Kingdom of Great Britain and Ireland.*

(L.S.) MANUEL EL REYNA, *Director-General de Correos de Honduras.*

*Detailed Regulations for the Exchange of Postal Parcels between
United Kingdom of Great Britain and Ireland and Honduras*

ART. I.—1. The exchange of postal parcels between Great Britain and Honduras is effected by way of Belize.

2. The Post Office of the United Kingdom undertakes to make arrangements for the sea conveyance of the mails in both directions between the United Kingdom and Belize.

3. The Postal Administration of Honduras undertakes to make arrangements for the sea conveyance of the mails in both directions between Belize and Puerto Cortes.

II. The dimensions of parcels posted in the United Kingdom and Honduras must not exceed 3 ft. 6 in. (English) in length, or 3 ft. 6 in. in length and girth combined. The dimensions of parcels posted in Honduras for the United Kingdom must not exceed in length 1.1 metre or 1.5 metre in length and girth combined.

III. Parcels containing live animals, explosive or combustible matter, and, in general, articles, the transmission of which is attended with danger, are excluded from transmission.

IV. Each parcel must be accompanied by a dispatch-note and Customs declarations in conformity with, or analogous to, Specimens (A) and (B) hereto appended. The Administrations in each other of the number of Customs declarations to be furnished for each destination.

V.—1. Each parcel, as well as the dispatch-note relating to it, must bear a label in conformity with, or analogous to, Specimen (C) hereto annexed, indicating the registered number and name of the office of posting.

2. The dispatch-note of parcels is, moreover, impressed with the office of origin, on the address side, with a stamp indicating the place and date of posting.

VI.—1. The offices of exchange shall be: In the United Kingdom, Liverpool, and in Honduras, Puerto Cortes.

2. The parcel mails shall be exchanged between these offices and the Post Office of Belize, and not direct between Honduras and the United Kingdom.

3. The postal parcels are entered by the dispatching office on exchange on a parcel-bill, in conformity with Specimen (D) appended to the present Regulations, with all the details required by the form. The dispatch-notes and the Customs declarations must be securely attached to the parcel-bill.

VII. On the receipt of a parcel-bill, the receiving office on exchange proceeds to verify the postal parcels and the documents entered on it, and, if needful, to record to Belize.

irregularities, acting in accordance with the rules registered articles by Article XIII of the Detailed the Universal Postal Union Convention of the

mis-sent parcels are forwarded to their destination by route at the disposal of the office retransmitting on is called to the error by means of a verification

parcels redirected in consequence of the removal of the a country which participates in the exchange of with Great Britain and Honduras, are subjected g office to a charge for redirection to be paid by the

the amount chargeable for the further conveyance of a el is paid at the time of its redirection, the parcel is it had been addressed direct from the retransmitting country of destination, and delivered without any to the addressee.

holders of parcels which cannot be delivered shall be the manner in which they wish to dispose of them. s on the subject shall be exchanged direct between istrations.

liable to deterioration or corruption may, however, be y, without previous notice or judicial formality, for f the right party. An account of the sale is

a six months after the dispatch of a letter of inquiry, destination has not received instructions from the el will be returned to the office of origin.

which have to be returned to the sender are entered bill with the addition of the word "Undelivered" for observations. They are dealt with like articles onsequence of the removal of the addressees.

parcels, the addressees of which have left for a country agreed to the exchange of parcels between Great Honduras, are dealt with as undeliverable, unless the st destination be in a position to forward the parcel e.

agreement gives rise to no accounts between the two s, but each Administration shall retain the sums ts on postal parcels.

Administrations shall reciprocally communicate to ne time before the execution of the Agreement an

extract of their laws and regulations relating to the conveyance of postal parcels.

2. Every subsequent modification effected in these regulations must be notified without delay.

XI. The present detailed Regulations shall take effect on the date when the Agreement comes into force. They shall have the same duration as the Agreement, unless, by common agreement between the Administrations concerned, they shall be renewed.

Done in duplicate, and signed at Tegucigalpa, the 30th May, 1897; and at London, the 27th August, 1897.

(L.S.) NORFOLK, *Postmaster-General of the
United Kingdom of Great Britain and
Ireland.*

(L.S.) MANUEL EL REYNA, *Director-General
de Correos de Honduras.*

COUPON DU BULLETIN D'EXPÉDITION.

L'imbre du bureau
d'origine.*Nom et domicile de l'expéditeur.**Ci-joint : un colis portant l'adresse ci-dessous :*

Nombre de déclarations en douane

M

Lieu de destination

Acheminement.

ou indication de
la taxe perçue.

(C.)

<p>475.</p> <p>TEGUCIGALPA.</p>	<p>475. Tegucigalpa.</p>
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SERVICE

entre
et

(D.)

FEUILLE DE ROUTE

des Colis Postaux sans déclaration de valeur, expédiés par le Bureau d'Échange d _____ au Bureau d'Échange d _____.

Départ (• envoi) du _____, 189 _____, à _____ h. _____ m. du _____
Arrivée _____, 189 _____, à _____ h. _____ m. du _____.

Numéros.		Bureau.		Nombre de Colis.			Observations.
D'Ordre.	De l'Enregistrement.	D'Origine.	De Destination.	1 kilog. et moins.	1-3 kilog.	3-5 kilog.	
1	2	3	4	5	6	7	8

E of the President of Mexico, on the Opening of Congress.—Mexico, April 1, 1896.

DEPUTIES, GENTLEMEN SENATORS,

I feel deep satisfaction that to-day, as on similar occasions I perform the duty of informing you, according to precept, of the important affairs intrusted to the

with our foreign relations, it is highly gratifying to report on this solemn occasion that no serious difficulty threatens the continuance of the peaceful relations between Mexico and other countries of the

northern neighbour our intercourse is of the same cordial character as our diplomatic and other relations. They have been for some years past, strengthened, as they are, by the growth of common interests which unite us in bonds more solid than the steel rails that weld the continents.

Incidents related to that great Republic, which, since my last Address, have most powerfully attracted the attention and aroused the interest of American nations, there is one incident of national self-respect and expediency constrain me to speak in words. In connection with an old boundary dispute between Venezuela and the territory known as British Guiana, a controversy aggravated by circumstances into which it is not necessary to inquire, the President of the United States of America has addressed to the American Congress reaffirming, as applicable to the controversy in question, the famous opinion or doctrine contained in a similar document by President Monroe, and which, I believe, has been so popular among the people of America. The re-echoing of that doctrine which condemns all European aggression and all tendencies to modify the institutions of the New World in a Monarchical form, has excited great enthusiasm among the free nations of this continent, and has given occasion for demonstrations of sympathy both popular and governmental.

Of an international character were not lacking that the Government should at once state its opinion in so plain a manner. But the Executive considered that haste was not desirable in expressing an opinion as to a subject which involved not only the Monroe doctrine, but also its applicability to the concrete controversy between Great Britain and Venezuela. As I am acquainted with that question, as perhaps the United

States, specially informed by the Venezuelan Government acquainted with it, we were not in a position to assume the claims of England necessarily constituted an attempt at usurpation. Nor could we consider that every boundary dispute, in its essence even though involving debatable points, afforded ground for application of the wise doctrine in question.

On the other hand, the simple fact that England had refused to submit to arbitration her rights to a part of the disputed territory while accepting it for the rest, was not, in our opinion, a sufficient ground for unfavourable presumptions, seeing that the Mexican Government has declared on more than one occasion that it was ready to accept arbitration for certain territorial questions especially when it was a question of the honour of the nation. For these reasons, I declined to make any public statement to the press with regard to a question which affected the interests and most delicate sentiments of three Governments equally entitled to our esteem. I simply stated that I was in favour of the Monroe doctrine rightly interpreted, but that I did not know whether it was applicable to the concrete case in question.

Now that, happily, and as was to be expected, the crisis has passed which seemed to threaten war between the two great nations into which the Anglo-Saxon race is divided; now that our Republic of Venezuela is carrying on at Washington negotiations with her powerful adversary, I may not be out of place to accede to the desires of those persons who have requested the Mexican Government to state its opinion with regard to the Monroe doctrine. Without entering into discussions as to its origin or the historical circumstances which gave rise to its enunciation; descending to particulars as to its proper limitations, marking its author and so prudently recalled by President Cleveland; the Mexican Government cannot but declare its partiality for a policy which condemns as criminal any attack on the part of the monarchies of Europe against the Republics of America, against the independence of the nations of this continent, now all subject to a popular government. The whole of our history, and especially the efforts of our people to shake off the yoke of a foreign Empire, with the European both in its origin, form, and resources, the terrible blood shed in that tremendous struggle, are a sufficient testimony to the world of our love of independence and our abhorrence of outside interference.

But it is not our opinion that to the United States alone, in view of the immensity of its resources, belongs the obligation of defending the other Republics of this hemisphere against the attacks of Europe, if such attacks are still to be considered as possible. The attainment of the end to which we all aspire, each one of the Republics ought, by means of a declaration like that of 1823,

claim that every attack on the part of a foreign view of curtailing the territory or the independence, the institutions, of any one of the Republics of be considered by the nation making such declaration on itself, provided that the nation directly attacked in such manner bespoke the aid of the other nations

ner the doctrine now called by the name of Monroe the doctrine of America in the fullest sense of the though originating in the United States, would belong ional law of this continent. As to the means to to practice, this is not the place or time to discuss

the losses suffered by the inhabitants of the frontier arcity, and often the absolute deficiency, of water in o, our Representative in Washington has been enter into a Convention with the Government of the whereby the International Water Boundary Com- g best acquainted with the subject, is to examine the for the construction of an international dam. In o Governments will arrive at an agreement for the at great work, which is of much importance to the terests of the territory lying along the river in

an Government having asked whether the Govern- o was disposed to declare that American citizens epublic the same privileges with regard to copyrights of Mexico, we answered that in this particular, under f our Civil Code, foreigners are exactly on the same xicans. Thereupon the President of the United of the existence of the reciprocity demanded by issued an Order, dated the 27th February last, ns are placed on the same footing as Americans in right.

r of the United States in Mexico, who was jointly for the purpose of fixing the amount of the ayable by Guatemala under Convention of the 1st o the persons suffering from the acts of Guatemalan territory, has been placed in possession of all the d by the claimants. It seems to me desirable to e rectification, published in the "Diario Oficial," of error committed by the President of the United essage delivered at the last opening of Congress in He stated that the boundary dispute, which had

* Vol. LXXXVII, page 528.

threatened a rupture between Mexico and Guatemala, had been submitted to the American Minister, whereas that dispute had been settled months previously by direct agreement between the two countries concerned.

The Government of Guatemala has stated that the time allowed by the last Convention for the erection of boundary monuments is insufficient, and as the same statement has been made by the Chief of the Mexican Commission, instructions have been sent to our Representative in Central America to arrange a Convention for the extension of said time by a year and a-half. Said Convention has been concluded in Guatemala, and will soon be submitted to the Mexican Senate.

The Committee of Arrangements of the Second Pan-American Medical Congress, to be held in this city, has fixed for its meetings the 16th to the 19th November next. In this connection the Department of Foreign Affairs has issued a Circular to the Independent States and Colonies of America, inviting them to send Delegates to said Congress.

The Russian Government having asked us, through its Chargé d'Affaires in Mexico, whether the Mexican Government would be represented in a special manner at the coronation of their Majesties the Emperor and Empress at Moscow in the month of May next, we have decided to intrust that special mission to our Plenipotentiary in London and Berlin, who will be attended by our Chargé d'Affaires in St. Petersburg.

The Executive has continued to make efforts for the maintenance of public safety, and has the gratification of announcing that attempts to wreck trains have decreased considerably. The cases in which the Law of Suspension of Guarantees has had to be applied have been relatively few, and in no case has the death penalty been resorted to, the offenders for the most having been very young. Some of the State authorities have asked questions as to the proper interpretation of the Law in question, and such questions have been duly answered with the view of restricting the application of the Law to the special cases mentioned therein.

The Executive has been no less strenuous in maintaining order in the Federal district, and with that end in view has adopted several measures with the view of increasing the efficiency of the city police and of improving the organization of the corps of gendarmes.

The yellow fever having continued to prevail in the Republics of Salvador and Guatemala in a form which is apparently endemic in certain places, the Executive has not thought fit to remove the restrictions on ships arriving in this country from the Republics in question; but as the disease has disappeared in the central towns of

seemed unnecessary to maintain the land quarantine on border, and it has therefore been abolished. The fort at Vera Cruz having been erected at the beginning of the year, we have now a complete equipment in this line at all gulf and Pacific ports and along our northern frontier. Other ports will also be provided with the same equipment. Particularly the ports of Coatzacoalcos and Salina Cruz have a large and growing traffic, owing to their proximity to the Tehuantepec railroad.

The capital has continued to improve, as is shown by the statistics of last year as compared with 1894. This improvement is powerfully aided by the works which are about to be commenced for the drainage and sanitation of the city, and which are the subject of study.

The sanitary conditions of the capital, as well as the Department of Sanitary Cities, will further be promoted by the construction of a new hospital, on which work is shortly to be commenced. In the plans for this important institution, all the conditions of a first-class establishment of this nature have been taken into consideration, and the hospital will be such as is demanded by the progress of science and by the high standing and sanitary conditions of this city. The site was selected among twenty, after being examined by a Special Commission. It is far enough away, and far from the centre of the city, and will be readily accessible to patients and employés. It is only fair to state that, by the generosity of the owner of the land made a free gift of the site for the charitable object for which it is intended.

The hospital will be composed of different departments, with separate entrances, and having the situation, hygienic conditions, and facilities required in an institution of this kind. Due to the different classes of patients will be observed, the case of contagious diseases, and, furthermore, the hospital will be utilized for the purpose of promoting the progress of practical surgery. In order that all these plans may soon be realized, it is proposed to push work on with the greatest possible energy.

The Government continues to discharge the obligations assumed for the important public works already undertaken, and those which will soon be initiated for the sanitation of the city, without on that account neglecting works of convenience and improvement.

To contribute to the beauty and convenience of one of the principal thoroughfares, exemption from taxation has for several years been granted on buildings erected, under certain conditions, for health and adornment, along the Paseo de la

Reforma. As the last term for such exemption has expired, several buildings are still incomplete, the Executive has granted another extension which will expire on the 31st December. The Decree granting such extension was issued on the 14th November by virtue of the powers vested in the Executive in the matter of taxation.

Great progress has been made on the penitentiary of the district, so that that important institution will soon be inaugurated.

The National Mont de Piété transacted in 1895 342,141 transactions, amounting to 2,206,892 dollars, both figures being in excess of the record for 1894. The Government has paid off its debt to the institution, and, with the assistance of the Governing Board, is meditating the introduction of many important improvements on its behalf.

At the beginning of last October news was received of the capital of the distress caused at the port of La Paz and neighbouring towns by the storm which visited that neighbourhood on the night of the 30th September. The Executive at once took the necessary steps on behalf of the sufferers, and, as you know, proposed measures to the same end. A Decree of Congress, dated the 1st October, was issued authorizing the remittance of pecuniary assistance, as well as the application to the sufferers of the proceeds of the Portazgo duties, and exemption from Federal taxation for a given time on behalf of the residents of the southern districts of Lower California. Since then several of the States and a number of private persons have contributed to the relief of the most urgent cases of distress, and a Commission duly organized has distributed the amounts received, according to the merits of the several cases.

The publication of the Preliminary Department of the Federal Procedure has partly filled a gap in our national legislation, putting an end to the conflicts as to jurisdiction to which the deficiency of our former laws gave rise, and it is to be hoped now that the principles determining the organization, powers and attributes of the Federal Tribunal have been clearly defined. The action of the said Tribunals will be more rapid and efficacious.

As a complement to the above-named addition, an Order has been issued determining the status of appeals now pending, and the formalities to which such appeals must in future conform. The Commission having the project in hand is busy at work with the view of completing its task as soon as possible, and the Executive, following on the same lines, intends soon to send a Bill to Congress for the reduction and modification of the Circuit Tribunal and District Courts, with the view of affording the public more efficient service.

s of last scholastic year were satisfactory. The pupils who passed their examinations, both in the schools and the schools for adults, was greater than in the year 1900, which proves that the observance of the Law of Education is becoming more general.

In accordance with the provisions of said Law, regulations have been issued as to the manner and circumstances in which prizes are to be distributed. In this way an act of justice is performed in the distribution of prizes, and a spirit of emulation is developed among those engaged in the patriotic and arduous labour of teaching, a profession which has often been regarded with indifference, if not with contempt.

Normal schools have been improved both as to their equipment and their internal organization. Thus, works have been undertaken with the view of adapting certain schools to their purpose, and efforts have been made to increase the staff of teachers in proportion to the increase in the number of pupils.

In the month of last month an Anatomico-Pathological Museum was established in the Hospital of San Andres, with the view of facilitating the study of medicine.

The Government considers that the time has arrived for unifying the primary instruction in the Federal district and territorial States, placing it under one control, so that knowledge may be acquired under like conditions and in accordance with a single programme. With this end in view it will submit a Bill to Congress which will doubtless understand the expediency of carrying out the idea in question.

After having appeared among the cattle of the State of Mexico, causing alarm to the stock-raisers of that section, a Commission was appointed to study its character. This Commission consisted of members of the School of Agriculture, who met with success in their mission. The course of veterinary surgery at the National School, which had been suppressed owing to lack of funds, has now been re-established.

Mexico was worthily represented at the Health Congress which took place at Denver, Colorado, early last October. At the invitation of the French and English Governments, Mexican Delegates were sent to the International Conference, which is to be held in Paris on the 15th of this month, for the purpose of discussing the text of the Berne International Copyright Convention. At the same time the Conference to take place in London in July will have for its purpose of discussing whether it is possible and desirable to draw up, by means of international co-operation, a code of scientific literature.

As had been announced, the International Congress of Americanists met here in Extraordinary Session, and was attended by Delegates from the States of Mexico and from several foreign Governments and scientific institutions. The capital offered cordial hospitality to its illustrious guests, who were suitably entertained during their brief stay in this Republic. The transactions of the Congress are in the press, and will soon be distributed.

A competent person has been commissioned to study the condition of primary instruction in England. Pensions have been granted to some young men to enable them to complete their artistic career in Europe. A pension has also been granted to a medical specialist who is to study leprosy in Colombia, Japan, and British India, and to communicate his observations periodically to the Academy of Medicine in Mexico.

With peace now reigning throughout the Republic, the several industries dependent upon the Department of "Fomento" are progressing satisfactorily. The mining industry has never been so active as now. In the period covered by this Report 1,055 mining titles were issued against 550 in the similar preceding period. This increased activity in mining is also observable at the great smelting establishments recently erected and at the other institutions where ores are worked by different processes. The exports of ore have also increased.

The development of agriculture is not less gratifying, and is also evidenced by the increase in the exportation of agricultural products, principally coffee, hemp, tobacco, woods, hides and skins, and living animals, and recently, too, oranges and other fruits.

The number of applications for the utilization of water, subject to Federal control for irrigation and motive power, is constantly on the increase, which proves the determination of our agriculturists and manufacturers not to waste any of the forces which nature has placed at their disposal. Another symptom of industrial activity is the large number of patent and trade-mark applications.

The foreign Colonies established in different parts of the Republic, though they are small in number and of recent origin, made a creditable display of their progress at the Agricultural Exposition just held at Coyoacan, proving that a laborious man is able to get on well in Mexico, not only in the tropical regions but on the Central Plateau.

During the period covered by this Report 298,700 hectares of public land have been converted into private property, either by direct purchase of, or other transactions in, vacant or national land and odd tracts, or by donation of land for the common use of certain villages.

On the 20th October last the first general Census of the Republic

the enumeration of its inhabitants having been performed
y and with the most decided success, owing to the
orts of the authorities and the friendly disposition of
n. That population amounts, according to the Census,

pal standards of the metric system, which will go into
6th September of the present year, have begun to be
among the Governments of the States, Federal district,
s. It is to be hoped that its enforcement will not offer
alties, in view of the considerable lapse of time since
lishing it were issued, and in view also of the successful
e authorities to popularize the knowledge of that

mission of Engineers intrusted with the work of
boundary monuments between Mexico and the United
erecting additional ones, concluded their field labours
nce October last they have been in Washington, where,
h the American Commission, they are engaged in
the plans of the border line and in preparing the
both Commissions have to submit to their Govern-

of our Commission under the Guatemala Boundary
net the Chief of the Guatemalan Commission at the
s, in order to adopt the definite boundary-line between
tries, and to agree as to the spots where the monu-
be placed. These Conferences have terminated satis-
consequence, our Commission has begun to erect the
along the parallel situated 25 kilom. to the south of
d along the meridian starting from the same parallel.
tion of fifteen other monuments along the parallel
s the summit of Santiago is also about to be under-

graphical Exploring Commission has printed the
ap of the State of San Luis Potosi, which was litho-
e offices of the Commission, and has presented to the
of that State the number of copies to which it was
nder arrangements entered into with the Governments
on and Vera Cruz, two sections of the said Commission
ged in drawing up the maps of those States.

tific Commission operating in the valleys of the Yaqui
vers, Sonora, has continued to parcel out tracts of land
ew and old settlements adjacent to those rivers. The
he new town at Torin, on the Yaqui, is quite note-
der the direction of the same Commission, and at the
e Government, work has been continued on the digging

of the irrigation canal, which will contribute powerfully to the development of agriculture in that locality.

The members of the Geological Institute have continued their studies on the hydrology and geology of the Valley of Mexico. A section of said Institute visited the scene of the land-slides at Santa Catarina, Hidalgo district, State of San Luis Potosi, and published a Report on those phenomena. At the present time the entire personnel of the Institute is at Pachuca studying the cause of the subterranean floods in that mining camp, which, as is well known, was suddenly confronted with the inundation of some of its most important mines. The Federal Government has in this connection helped to investigate the phenomenon, together with its causes and the most efficacious means of remedying it.

The Executive has been especially earnest in its efforts to improve the Post Office service, and with this end in view has recently made certain changes both in the staff of employes and in the system followed in carrying on that important administrative service.

One of the latest improvements in this connection is the arrangement entered into between Mexico and the United States for a more rapid exchange of correspondence on the border, by which a saving of twenty-four hours is effected between the city of Mexico and Washington.

In the interior service five new offices and twenty-five agencies have been established.

The sale of postage-stamps in the second half of the fiscal year 1894-95 amounted to 489,422 dollars, or 22 per cent. less than in the first half of the calendar year 1894. This percentage indicates the temporary reduction in receipts due to the lowering by 50 per cent. of the rate of interior postage, and it is less than the shrinkage of 30 per cent. anticipated by the Government.

The postal money-order service is daily being extended, and during the last five months has been so modified as to take in fifty new points.

Improvements have been introduced in the method of keeping accounts at the Post Office, and in the publishers' drafts department.

On the extensive telegraph line between Pochutla and Acapulco, by way of Ometepc, the 250 kilom. necessary to afford connection have been completed, so that a new channel of communication has been opened up along the southern Pacific Coast, facilitating greatly the telegraphic service of the Isthmus of Tehuantepec and the Peninsula of Yucatan.

The line from Durango to Culiacan, by way of Topia and across the Sierra Madre, has also been completed, the remaining 76 kilom. of wire having been erected

begun on the erection of the telegraph line along the Piedras Negras to Nogales, which will be an important general system of telegraphic communication.

In the month of September last 326 kilom. of new telegraph lines were erected, the 44,500 kilom. at present constituting the telegraph system have been kept in constant repair, and telegraph offices have been opened to the public.

The executive attaches great importance to the early completion of the railway to the Pacific passing through the State of Sonora. Every facility has been afforded to the Company owning the line to Acapulco, so as to enable it to complete that line at the earliest possible date. In view of the energy with which the question has started work, it is to be expected that the completion of the line in question will soon be attained.

Extensions to our railroad system, without counting sections already built but not yet accepted, are, approximately, 100 kilom. exclusive of private lines. The Companies which have been authorized for the above-named extension are the following: The Mexican National, which has built 24 new kilom., besides surveying the line from Toluca to Guadalajara; and the Mexico, Cuernavaca, which has built 6 kilom., making 82 kilom. in all, and is now extending its line into Cuernavaca. This Company has taken possession for a line from Matamoros to Acapulco, and has completed the section from Puente de Ixtla to Mescala with

the Toluca-Tenango railroad has opened to the public its first section of 100 kilom. from Toluca to Metepec, and is prosecuting work on the extension to Mexicalzingo.

The Yucatan-Campeche Railway has constructed the Merida belt with a view of connecting the lines from Merida to Progreso and to Campeche.

The Tehuantepec Railway has repaired its line along the Grand Canal.

The Mexican National railways have been improving their lines with a view of better service, the following being worthy of note: The Mexican National has completed the Huamantla bridge and has terminated the extension of the bridge over the Grand Canal. It has also put in new rails and wooden ties on the section from Rinconada to San

Antonio. The Mexican National has constructed on its Ameca branch 20 kilom. from Ameca to Toluca, which have not yet been accepted, and it has completed 100 kilom. more. It has also made alterations in its track in the section from Toluca to Mexico cut with a view to greater safety.

The Mexican National has opened its new Colonia station in this

The Interoceanic has altered the Temamatla curves, has replaced ties, and constructed permanent culverts at various points, besides erecting provisional stations at Atlixco, San José, and Puente de Ixtla.

The National Tehuantepec Railway, now that its staff has been reorganized, has continued to improve its line, strengthening the track, putting up permanent bridges, and renewing ties. It has also procured sufficient stock and other material for the operation of the line.

The railway system of the Republic now in operation comprises 11,165 kilom.

Work has been continued on the slopes of the drainage canal, about 600,000 cubic metres having been excavated in this operation. The amount of excavation still to be done before the Grand Canal is completed amounts to about 400,000 cubic metres. The Mexican National and North-Eastern Railroads are building bridges over the canal—the former at the expense of the Drainage Works, the latter out of its own pocket.

The work of connecting the canal with the tunnel involves the construction of a facing and of a dam provided with water-gates to regulate the flow of water. This work is progressing satisfactorily.

When the drainage of the Valley of Mexico is once completed it will solve the problem of the sanitation of this city, affording for the disposal of its sewage a fall of 5 metres 75 centim. at the beginning of the San Lazaro Canal.

The heavy northers which prevailed last winter caused serious damage to the Tampico jetties, which are not yet sufficiently strong; but the Company has proceeded to repair the damage, and the traffic of the port has not been interrupted, vessels drawing 20 English feet having continued to enter. The advantages consequent on the improvement of this port have begun to be perceptible, for its trade increases daily. With a view of affording still better accommodation to that trade, work has been commenced on a Government dock and new Custom-house buildings, under an agreement with the Mexican Central Railway Company.

Important works undertaken in the Bay of Vera Cruz will give a sheltered port of an area of 100 hectares, and with $8\frac{1}{2}$ metres of water, affording absolute protection to shipping.

The northern breakwater has been completed, while the north-western breakwater, the interior jetties, and the dredging of the port are in progress.

Buoys have been placed to mark the bar channel at the port of Carmen, and on the 5th November last the Government pier at that port was also completed.

On the 5th of last February the pier constructed on the

r, opposite the city of San Juan Bautista, was

se is under construction at Salina Cruz, marking the
e proposed artificial port at that point, which is the
s of the Tehuantepec Railways.

the lighthouse system of Coatzacoalcos will be

ights above Seibaplaya a lighthouse is being built,
of great utility to vessels sailing up the Campeche

rs which some time ago threatened our financial
g happily passed away, the Department of Finance
to devote itself without anxiety to projects of mere
improvement.

deficits in the national revenue has departed, let us
return. Now, on the other hand, the revenue has
ceeded the estimates, and during the first half of the
year the receipts of the nation were 2,000,000 dollars
expenditure.

present Session the Budget Commission will present
to the estimates of revenue and expenditure for the
year and as to the accounts presented for the fiscal

The facts and figures contained in those documents
ou that our resources are more than sufficient for all
ses, and that, therefore, the Government is enabled,
ety, to devote its energies to projects for the reduc-
n, for the fiscal reorganization of the country, and for
material aggrandizement.

which reduced the tax on the salaries of Government
0 per cent. is now in force. Some sections of the
e been abolished, others have been reduced, and
s are being considered with a view of improving the
taxpayers.

ble reception accorded to the plan for the abolition of
throughout the Republic in the State Legislatures is
ing because it was anticipated. And, as it is hoped
July next this momentous reform will go into effect,
to facilitate its practical observance in the territory
ral jurisdiction, issued, by virtue of the powers which
ed, a Law, which went into operation on the 1st
d which is the first of a series of measures providing
the portazgo and consumption duties. The other
eting the Government's programme in this particular
mulgated.

ation of the public debt may be considered to have

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reached a definite termination through the Decrees of the 1st October and 8th February last. The former fixes for the status of the few national creditors who have not yet presented their claims, and the second provides for the completion of the labours of the Liquidating Commission before the 15th March. Furthermore, with the authorization of Congress, the second issue of bonds of the Interior Redeemable Debt has been issued for the purpose of completing the unification of the National Debt, and making the payments provided by law for public works.

I will conclude this portion of my Report by recommending the consideration of Congress certain Bills of the Finance Department, which will be submitted to you within the next few days. The first of those Bills makes certain provisions for the assessment of real estate in the Federal district, and the other consolidates in one measure a number of rules as to pensions, annuities, allowances, and similar payments.

The Executive has continued to introduce improvements in the army in order that our military training and discipline may keep pace with the progress of science and in order that the equipment of our troops may be up to the standard required by modern progress in the art of war.

The Artillery Department has been the object of special attention, and important improvements have been introduced. Earnest efforts have been made to secure cannon of the latest European models, after submitting them to the most severe examination and practical tests.

The specimens of Maxim machine-guns recently received are being studied by a Special Commission, with a view of ascertaining whether the gun in question is to be adopted in the Mexican army.

The Superior Board of the Artillery Department is also engaged in a study of the Darmencier cannon, which has attracted considerable notice in Europe.

The Department of Arms and Ammunition has been maintained in a high state of efficiency in order to preserve the existing equipment of our army and marine in as good a condition as possible.

As a smokeless powder factory is a necessity of the times, the Department of War has in consideration a project for such a factory that want. The factory will be supplied with the most modern machinery and appliances.

The Indian tribes that used to prowl along the Yaqui and Colorado Rivers have been pursued with such success that now they are to be found even in their strongholds in the Sierra. They have, in fact, been completely scattered and obliged to leave the State of Sonora.

ree of the 4th September last, and with a view of
r merchant marine, the position of Port Captain was
and after the 1st November.

urpose it was necessary to amend section 49 of the
ces in the terms prescribed by Decree of the 15th

h September last the decorations created by Congress
ed to the families of those who took part in the
ebla or in the siege of Queretaro in 1867, and who

ry Hospital at Tampico being no longer necessary,
een established in its stead at Juchitan. In like
spital at Mazatlan has been suppressed, and another
ished at Torin.

sons taking up the career of veterinary surgeon are
as provided by Decree of the 31st January last that
e cavalry regiments and of the artillery battalions
r the education of a youth in that career at the
l of Agriculture. By this means we shall succeed in
cient number of veterinary surgeons for the require-
rmy.

st Report the Military College has turned out fifteen
Engineering Department and twelve for the Tactical

f engineers has received and stored in its quarters,
yet quite completed, the greater part of the equip-
requires, such as steam and animal traction railway
aphic appliances, magnetical and optical instruments,
nson iron bridges, pontoons, and other appliances
he service.

absolutely necessary for the better training and dis-
army to establish a special school of sergeants and
school has been erected by virtue of the Law of the
last, and will be opened to-morrow.

I have completed the statement which I had to make
ublic business. That statement will show you that
s of the nation does not realize the ideal of your
e, it is at least substantial enough to prove that zeal
nce have not been lacking in the Executive, and that
as had the co-operation of all the good servants of

A glance at our country as it was some years ago,
lance at the conditions which it now presents, are
nvince the observer of what peace and order have
or Mexico, and of what the Government in its several
as succeeded in achieving, particularly in the Depart-

ment of Finance, which has had the greatest difficulties to overcome. For these favourable results the Mexican people owe a great gratitude to its legislators, who have contributed to the attainment of the blessings I have named with a patriotism, a prudence and wisdom of which the nation doubts not they will continue to give a conspicuous proof.

SPEECH of the Queen-Regent of the Netherlands, on Opening the States-General.— The Hague, September 15, 1891.

MESSEIERS,

IL m'est agréable de voir de nouveau réunis les représentants du peuple Néerlandais dans le but de se vouer aux intérêts du pays.

L'état du pays et de la nation est satisfaisant à tous égards.

Les relations avec les Puissances étrangères sont très amicales.

Les armées de terre et de mer continuent à s'acquiescer avec un zèle louable de leurs devoirs tant dans la mère patrie que dans les colonies.

Je rends hommage à l'élan et au courage de l'armée Néerlandaise, qui, avec l'appui efficace de la marine, fait face d'une manière sensible aux chefs rebelles d'Atchin la force des armes.

C'est avec tristesse que je dois rappeler les sacrifices que la lutte nous a imposés.

Les récoltes n'ont pas déçu en général les prévisions faites à cet égard.

Les résultats acquis par l'agriculture ne démontrent pas qu'il se soit produit un revirement favorable, mais par contre ils ont permis de constater une amélioration dans plusieurs branches du commerce et de l'industrie.

Dans le courant de cette session des travaux d'une grande importance vous seront de nouveau dévolus.

Différents projets de lois importants se trouvent déjà soumis à votre examen. D'autres projets, également d'une grande importance, parmi lesquels ceux tendant à régler les finances communales, concernant l'assurance obligatoire des ouvriers contre les accidents vous ont été déjà présentés ou le seront à brève échéance.

La situation économique de nos possessions d'outre-mer, l'Indes Orientales et Occidentales peut, au point de vue général, être considérée comme satisfaisante.

confiance que j'en appelle à nouveau à votre zèle et pour l'accomplissement de la lourde et multiple tâche.

os travaux, avec la bénédiction de Dieu, contribuer au notre Patrie bien aimée.

la Reine, je déclare ouverte la Session Ordinaire des

*by the King of Sweden and Norway, on Opening the
dish Diet.—Stockholm, January 18, 1896.*

welcome on your assembly to perform your important

met a year ago in this room my heart was not
ety as to the possible consequences of the differences
een between my two peoples. Happily the dangers
ed, seem now to be diminishing. Warm is my wish
s which gave rise to them were for ever set at rest,
at the Union Committee appointed by me, and which
the first time, may by good will and loyal co-operation
th of its Swedish and Norwegian members succeed in
way for the removal of misunderstandings and

, as circumstances appear to me, it is more necessary
for the future security, freedom and independence of
ian Peninsula that these two peoples should keep
e. My relations with all foreign Powers continue to
y know well that the United Kingdoms desire nothing
continue their independent existence undisturbed
ntiers assigned to them by nature, threatening none
threatened. But the peace of the world though not
haken seems as though it might easily be so. On this
k upon it as especially important to hasten the
of our means of defence as well as of our fortresses,
y be in a position to maintain our neutrality should
complications, which now seems to be growing up
ripen to bloody harvests. May God prevent this.

the greater confidence I require your patriotic co-
the furtherance of the Bill on this subject, which
bmit to the Riksdag, as the large surplus available
e Revenue will fully defray the expenses for the

In accordance with your resolution the mutual Convention of Commerce and Navigation between Sweden and Norway has been denounced. I have appointed a Committee of Swedes and Norwegians to prepare the draft for a new Convention. The work will not be completed in time for a Bill to this effect to be laid before this Riksdag. But still I trust that in the course of the year an agreement may be arrived at so that the communities between the two countries may never feel the want of the improved Interstate Law.

Statistical reports both as to the political and commercial franchise have lately been completed and will be laid before you.

These must be revised before questions of such a radical character can be submitted to me for final consideration.

In accordance with your expressed wish, and after deliberation, I shall submit to you a Bill with reference to the condition of the working classes.

Amongst other Bills I lay before you a new Charter of Regulation and Government of the National Bank in order that the final legislation on the subject of the foundations of the central banks may be made.

I invoke the blessing of God on you, Gentlemen, with all favour and heartfelt good wishes.

*SPEECH of the Emperor of Austria, King of Hungary
Austrian and Hungarian Delegations.—Budapest,
1896.*

(Translation.)

I ACCEPT with most sincere thanks the expression of your fidelity, and I am touched by the continued proofs of your attachment, which I value highly, that you have offered me on the occasion of the great loss which has fallen on me and my house.

It affords me satisfaction to be able once more to assure you that our relations with all the Powers continue to be most friendly. My hearty congratulations of foreign Sovereigns and Chiefs of State on the occasion of the Millennium fêtes of my Hungarian Kingdom are a further proof thereof.

The steadfast and effective intervention of the Triple Alliance on all important questions of European interest, has greatly contributed to the fact that the peace of Europe had not been disturbed in spite of alarming symptoms which manifested themselves in the East.

made by my Government in this direction in concert with our tried Allies, have received the sympathetic approval of all the Powers. Their unanimity to-day, especially in regard to the maintenance of the *status quo* in the Balkan Peninsula, which we hope will continue, leads us to expect a peaceful development of international relations. Of no small importance for the future of this state of things appears to be the recognition of Bulgaria by the Suzerain Power which has at last taken its place.

Followed with hearty sympathy the events in the Balkan Peninsula where the army of our faithful Ally has upheld the Italian flag in severe fighting against an enemy which outnumbered it.

Forward with real satisfaction this year to the termination of the Danube Regulation Works at the Iron Gates, a duty entrusted to Austria-Hungary by the Treaty of Berlin. This work now achieved will have a salutary influence on the development of trade and commerce upon which, as you will see from the reports laid before you, my Government has bestowed the able support.

The supplementary estimates of my War Office have been kept within the limits of past years, with due consideration to the present financial situation of the Monarchy. The reduction of the national expenditure will help to complete the organization of the army and navy in accordance with the plans of the existing programme.

The situation of affairs in Bosnia and Herzegovina is perfectly satisfactory. These countries will also be able in 1897 to meet the requirements of their administration out of their own revenue.

With the conviction that you will fulfil your task with patriotic energy and achieve the best success to your work and bid you a hearty

CONDENCE on the Subject of the Disturbances in the South African Republic. — December 1895–February 1896.

In Her Majesty's Agent, Pretoria, to his Excellency the High Commissioner, Cape Town.

Pretoria, December 27, 1895.

Recent political events, and also the manifesto issued by the National Union, have

undoubtedly been fully reported in the Cape papers, it needless for me to send your Excellency the reports of the papers. In connection with the present agitation, however, I should communicate to your Excellency the President's speech delivered yesterday at Bronkhorstspuit and on his arrival at Pretoria which was handed to me last night by a newspaper reporter said: "I went off on a pleasure trip, and never on my visit I met with more law-abiding citizens than my burghers. I often asked about the threatened risings (revolts or agitations) and I said, wait until the time comes. Take a tortoise: if you want to kill it, you must wait until it puts out its head, then you can cut it off."

There are rumours afloat, and they are believed to be based on fact, that every burgher is under orders to be ready at a moment's notice; they are also perfectly organized and armed to the teeth. The Johannesburg people, on the other hand, are divided among themselves, and probably without anything like an efficient organization, or sufficient arms. If, therefore, in the present condition any rash steps are taken which end in a collision, the result will be most unequal and disastrous to the weaker side.

An English clergyman from Johannesburg called upon me this morning, and he assures me the condition there is very serious. Several men have already sent their wives and families to the Colony, and others are preparing to do so.

Manifesto issued by the Chairman of the Transvaal National Union.

Johannesburg, December 28, 1900.

THE manifesto, which was published at 1 o'clock to-day, and signed by Mr. Charles Leonard, as President of the Transvaal National Union, runs as follows:—

If I am deeply sensible of the honour conferred upon me by being elected Chairman of the National Union, I am profoundly impressed with the responsibilities attached to the position. The issues to be faced in this country are so momentous in character that it has been decided that, prior to the holding of a public meeting, a review of the condition of affairs should be placed in your hands in order that you may consider matters quietly in your own minds. It has also been decided that it will be wise to postpone the meeting which was to have taken place on the 27th December until the 6th day of January next.

On that day you will have made up your minds on the points submitted to you, and we will ask you for direction.

of action. It is almost unnecessary to recount all that have been taken by the National Union, and I shall confine myself to a very short review of what has been

THE THREE PLANKS.

constitution of the National Union is very simple. The principles which we set before ourselves are :—

Maintenance of the independence of the Republic;
Securing of equal rights ; and
Redress of grievances.

Our comprehensive programme has never been lost sight of. I think we may challenge contradiction fearlessly when we have constitutionally, respectfully, and steadily pursued our purpose. Last year you will remember a respectful petition for the franchise, signed by 13,000 men, was met by contemptuous laughter and jeers in the Volksraad. The National Union, apart from smaller matters, endeavoured to do

THE RAAD ELECTIONS.

I was told that a progressive spirit was abroad, that twenty-four members of the First Volksraad had to be elected, and we might reasonably hope for reform by the type of men who would be elected. It was therefore resolved to do everything in our power to assist in the election of men who were put up by the constituencies, and every-thing the law permitted us to do in this direction was done.

DISAPPOINTED HOPES.

It has been only too disappointing, as the record of the election division list in the Volksraad prove. We were, in our public speeches in Johannesburg prevented the members from getting a majority of the Raad to listen to what angry passions were inflamed, and that if we had our tongues reformed would be brought about. We were bound in all loyalty to abstain from inflaming angry passions, though we never admitted we had by act or speech given our supporters to refuse justice to all. Hence our silence for

THE RAILWAY CONCESSION NEXT.

It was our influence to get the Volksraad to take over the railway concession, but alas ! the President declared with tears

in his voice that the independence of the country was wrapped up in this question, and a submissive Raad swept the Petitions from the table.

THE FRANCHISE PETITION.

Our great effort, however, was the Petition for the franchise, with the moderate terms of which you are all acquainted. This Petition was signed by more than 38,000 persons. What was the result? We were called unfaithful for not naturalizing ourselves, when naturalization means only that we should give up our original citizenship and get nothing in return, and become subject to disabilities. Members had the calm assurance to state, without any grounds whatever, that the signatures were forgeries, and, worst of all, one member, in an inflammatory speech, challenged us openly to fight for our rights, and his sentiment seemed to meet with considerable approval. This is the disappointing result of our honest endeavours to bring about a fusion between the people of this State and that true union and equality which alone can be the basis of prosperity and peace. You all know that, as the law now stands, we are virtually excluded for ever from getting the franchise, and by a malignant ingenuity our children born here are deprived of the rights of citizenship unless their father take an oath of allegiance, which brings them nothing but disabilities.

THE BITTER CRY OF THE "UITLANDER."

We are the vast majority in this State. We own more than half of the land, and, taken in the aggregate, we own at least nine-tenths of the property in this country; yet in all matters affecting our lives, our liberties, and our properties, we have absolutely no voice. Dealing now first with the legislature, we find taxation is imposed upon us without any representation whatever, that taxation is wholly inequitable—

(a.) Because a much greater amount is levied from the people than is required for the needs of Government;

(b.) Because it is either class taxation pure and simple, or by the selection of the subjects, though nominally universal, it is made to fall upon our shoulders; and

(c.) Because the necessities of life are unduly burdened.

ABUSE OF PUBLIC EXPENDITURE.

Expenditure is not controlled by any public official independent of the Government. Vast sums are squandered, while the Secret Service Fund is a dark mystery to everybody. But, essential as the

control taxation and expenditure is to a free people, there matters of the gravest importance which are equally The Legislature in this country is the supreme power, uncontrolled by any fixed Constitution. The chance will ity in a Legislature elected by one-third of the people is dominating us in every relation of life; and when we that those who hold power belong to a different race, different language, and have different pursuits from that they regard us with suspicion, and even hostility; rule, they are not educated men, and that their passions upon by unscrupulous adventurers, it must be admitted e in very grave danger.

TRIBUTE TO THE MODERATES.

that it is but just to bear tribute to the patriotic endeavours a band of enlightened men in the Volksraad who have condemned the policy of the Government and warned s danger. To Mr. Jeppe, Mr. Lucas Meyer, the De . Loveday, and a few others in the First Raad, leaving cond Raad, we owe our best thanks, for they have fought and confirmed the justice of our cause. But when the debates of the last few years, what do we find? All spirit of hostility, all through an endeavour not to meet ants of the people, not to remove grievances, not to ne claim to our loyalty by just treatment and equal laws, press the publication of the truth, however much it might d in the public interest, to prevent us from holding public o interfere with the Courts, and to keep us in awe by

THE POWERS OF THE EXECUTIVE.

s now threatened a danger even graver than those which ded it. The Government is seeking to get through the e an Act which will vest in the Executive the power whether men have been guilty of sedition, and to deport confiscate their goods. The Volksraad has, by resolution, e principle, and has instructed the Government to bring accordingly next Session. To-day this power rests justly orts of Law, and I can only say that if this Bill becomes wer of the Executive Government of this country would ute as the power of the Czar of Russia. We shall have ove finally to the last principle of liberty.

PRESIDENT KRÜGER INDICTED.

Coming to the Executive Government, we find that there is no true responsibility to the people, none of the great Departments of State are controlled by Ministerial officers in the proper sense, the President's will is virtually supreme, and he, with his unique influence over the legislators of the House, State-aided by an able if hostile State Secretary, has been the author of every act directed against the liberties of the people. It is well that this should be recognized. It is well that President Krüger should be known for what he is, and that, once for all, the false pedestal on which he has so long stood should be destroyed. I challenge contradiction when I state that no important Act has found a place on the Statute-book during the last ten years without the seal of President Krüger's will upon it; nay, he is the father of every such Act. Remember that all legislation is initiated by the Government, and, moreover, President Krüger has expressly supported every Act by which we and our children have been deprived by progressive steps of the right to acquire franchise, by which taxation has been imposed upon us almost exclusively, and by which the right and the liberty of the press, and the right of public meeting have been attacked.

THE JUDGES AND THE LIBERTY OF THE SUBJECT.

Now we come to the judicial system. The High Court of this country has, in the absence of representation, been the sole guardian of our liberties. Although it has, on the whole, done its work ably, affairs are in a very unsatisfactory position. The Judges have been underpaid, their salaries have never been secure, the most undignified treatment has been meted out to them, and the status and independence of the Bench have on more than one occasion been attacked. A deliberate attempt was made two years ago by President Krüger and the Government to reduce the Bench to a position subordinate to the Executive Government, and only recently we had in the Witfontein matter the last of the cases in which the Legislature interfered with vested rights of action. The administration of justice by minor officials, by native Commissioners, and by field-cornets, has produced, and is producing, the gravest unrest in the country, and, lastly, Gentlemen,

THE GREAT BULWARK OF LIBERTY.

the right to trial by jurymen who are our peers, is denied to us. Only the burgher or naturalized burgher is entitled to be a jurymen, or, in other words, any one of us is liable to be tried

rest charge possible by jurymen who are in no sense to belong to a different race, who regard us with a degree of hostility, and whose passions, if inflamed, them, as weak human creatures, to inflict the gravest to deprive men of their lives. Supposing, in the condition of political feeling, any one of us were tried jury on any charge having a political flavour about it, tried by our peers, and should we have a chance even-handed justice?

THE SECRET SERVICE FUND.

come to the administration, we find that there is the extravagance, that Secret Service moneys are squandered, exceeded, that the public credit is pledged, as it was in the case of the Netherlands Railway Company, and later on the Selati Railway, in a manner which is wholly at variance with the best interests of the people.

SQUANDERING THE PUBLIC REVENUE.

Joia Bay festivities are an instance of a reckless disregard of Parliamentary Vote; 20,000*l.* was voted for those useless and 60,000*l.* was really expended, and I believe certain gentlemen hailing from Holland derived the principal benefit. I said that 400,000*l.* of our money has been transferred for an extraordinary purpose to Holland. Recently 17,000*l.* has been sent out of the country with Dr. Leyds for his private purposes, and the public audit seems a farce. When the members endeavoured to get an explanation about the money they were silenced by a vote of the majority of the President Krüger. The administration of the public revenue is in a scandalous condition.

A CORRUPT LEGISLATURE.

and corruption are rampant. We have had members of the Legislature accepting presents of imported spiders and watches from men who were applying for concessions, and we have the fact that in every instance the recipient of the gift has obtained a concession. We have the President openly stating that the acceptance of presents was wholly moral. We have a number of affairs in which the time of the meeting of the Legislature is looked upon as the period of the greatest corruption of our interests, and it is an open secret that a class

of man has sprung up who is in constant attendance upon the members of the Volksraad, and whose special business appears to be the "influencing" of members one way or the other. It is openly stated that enormous sums of money have been spent, some to produce illegitimate results, some to guard against fresh attacks upon vested rights. The Legislature passed an Act solemnly denouncing corruption in the public service. One man, not an official, was punished under the law, but nothing has ever been done since to eradicate the evil.

AND A TAINTED CIVIL SERVICE.

I think thousands of you are satisfied of the venality of many of our public servants. I wish to guard against the assumption that all public servants are corrupt. Thank God there are many who are able and honourable men, and it must be gall and wormwood to these men to find the whole tone of the service destroyed, and to have themselves made liable to be included under one general denunciation. But there can be no health in an Administration, and the public morals must be sapped also, when such things as the Smit case, and the recent Stiemens case, go unnoticed and unpunished.

TWO GLARING CASES.

I think it right to state openly what those cases are: N. J. Smit is a son of a member of the Government. He absented himself for months without leave. He was meantime charged in the newspapers with embezzlement. He returned, was fined 25*l.* for being absent without leave, and was reinstated in office. He is now the Mining Commissioner of Klerksdorp. He has been charged in at least two newspapers—one of them a Dutch newspaper, "Land en Volk," published within a stone's-throw of the Government Office—with being an "unpunished thief," and yet the Government have taken no notice of it, nor has he thought fit to bring an action to clear himself. In the Stiemens case, two officials in the Mining Department admitted in the witness-box that they had agreed to further the application of a relative for the grant of a piece of public land at Johannesburg on condition that they were each to receive one quarter of the proceeds. A third official, the Landdrost of Pretoria, admitted that he had received 800*l.* for his "influence" in furthering the application; yet no notice had been taken by the Government of their scandalous conduct, and, sad to say, the Judges who heard the case did not think it their duty to comment strongly upon the matter. I have

on now a notarial deed which proves that the Railway the Landdrost, and the Commandant of Pretoria are Syndicate whose avowed object is, or was, to wrest companies their right to the "bewaarplaatsen." This going on, and what is the measure of safety of title to those who should guard our rights are our worst Law introduced by the present Government, the instead of the Courts, are the final Judges in cases of elections. No Election Committees are allowed. This that candidates opposed to the Government, because the as virtually a vast standing army of committee men, officials being allowed openly to take part in swaying the Government being in a position, by the distributants, appointments, purchase of concessions, the Secret Service money, and otherwise, to bring into maintain a large number of supporters who act as days on the right side in times of elections.

NATIVE AFFAIRS.

Administration of native affairs is a gross scandal, and a immense loss and danger to the community. Native have been permitted to practise extortion, injustice, on the natives under their jurisdiction. The Governed petty tribes to be goaded into rebellion. We have the costs of the "wars," while the wretched victims have had their tribes broken up; sources of native been destroyed, and large numbers of prisoners have been kept for something like eighteen months without trial. in the newspapers that, out of sixty-three men thirty-one had died in that period, while the rest were death for want of vegetable foods. We have had repulsive cruelty on the part of field-cornets. We the Rachman case, and the April case, in which the field-cornets guilty of brutal conduct to unfortunate the worst feature about these cases is that the Govern- the seal of its approval upon the acts of these officials costs of the actions out of public funds; and the the State a few days ago made the astounding state- to the April case, that, notwithstanding the Judgment court, the Government thought that Prinsloo was right and therefore paid the costs. The Government is "plakkerswet," which forbids the locating of more on one farm. The field-cornets in various districts broken up homes of large numbers of natives settled

on "uitlanders' " lands, just at the time when they had sown the crops to provide the next winter's food. The application of this Law is most uneven, as large numbers of natives are left on the farms of the Boers. Quite recently a well-known citizen brought into the country at great expense some hundreds of families, provided them with land, helped them to start life, stipulating only that he should be able to draw from amongst them labour at a fair wage to develop his properties. Scarcely had they been settled when the field cornet came down and scattered the people, distributing them among Boer farms. The sources of the native labour supply have been seriously interfered with at the borders by Government measures and difficulties have been placed in the way of transport of natives by railway to the mines. These things are all a drain upon us as a State, and many of them are a burning disgrace to us as a people.

THE EDUCATION SCANDAL.

The great public that subscribes the bulk of the revenue is virtually denied all benefit of State aid in education. There has been a deliberate attempt to Hollanderise the Republic, and to kill the English language. Thousands of children are growing up in this land in ignorance, unfitted to run the race of life, and there is the possibility that a large number of them will develop into criminals. We have had to tax ourselves privately to guard against these dangers, and the iniquity of denying education to the children of men who are paying taxes is so manifest that I pass on with mingled feelings of anger and disgust.

RAILWAYS.

This important branch of the public service is entirely in the hands of a Corporation domiciled in Holland. This Corporation holds a concession, of course, under which not only was there no adequate control over expenditure in construction, but it is entitled to charge, and is charging, us outrageous tariffs. How outrageous these are will be seen from the admission made by Mr. Middelberg that the short section of 10 miles between Boksburg and Krugersdorp is paying more than the interest on the cost of the construction of the whole line of railway to Delagoa Bay. To add these to its general revenue, of which 10 per cent. is set aside as a sinking fund, and then to take for itself 15 per cent. of the balance, the Company reports annually to the Raad from Amsterdam in a language which is practically foreign to it, and makes up its accounts in guelders, a coinage which our legislators, I venture to

ning of, and this is independence. We are liable for the whole of the debt. Lines have been built on credit, and yet we have no say and no control over the public works beyond the show of control which is exercised by the present Railway Commissioner. In conjunction with the Executive Government, is in control our destinies to an enormous extent, to influence internally and externally, to bring about such friction between the neighbouring States as to set the whole of South Africa in a ferment. Resolutions have been presented to the Raad, but the President has brushed these aside with the well-worn argument that the honour of the State is involved in the matter. It is involved in all whom we remember the recent drifts questions will admit. And that it is dangerous for the country to take over the railway, it would afford such an immense field for corruption. The strongest condemnation of the Government by its actions is not fit to run a railway, how can it be fit to run the State? The powers controlling this railway are in the public service with Hollanders to the exclusion of our own people. I may here say that in the most important Department of the State we are being controlled by the gentlemen from Holland. While the innocent Boer hugs to himself the notion that he is preserving his independence, they control us through Dr. Leyds, financially through the Netherlands Consulate through Dr. Mansvelt, and in the Department of Agriculture through Dr. Coster.

CUSTOMS AND TRADE.

Policy of the Government in regard to taxation may be described as protection without production. The most disastrous result to consumers, and merchants can be seen every day to-day where they are. Twice now has the Dutch trader entered into competition with traders who have paid no duties and rents and who keep staffs. Recently grain became so dear that the Government were petitioned to suspend the duties, which were very high, in order to assist the mining industry to feed the labouring population. The Government refused this request on the plea that it was in no position to suspend duties without the permission of the Raad. And yet within a few days we find that the Government has made a concession to one of its friends to import grain duty free and to sell it in competition with the merchants who are bound to pay duties. I do not attempt to deal with this question adequately, but give this example to show how the Government regards the rights of traders.

MONOPOLIES.

It has been the steady policy of the Government to give concessions. No sooner does any commodity become absolutely necessary to the community than some harpy endeavours to get a concession for its supply. There is scarcely a commodity or a right which has not been made the subject of an application for the grant of a concession. We all remember the bread and jam concession, the tobacco concession, the electric lighting concession, and many others. We need only point to the dynamite concession to show how monopolies tend to paralyse our industries. There may be many of you who have not yet heard and some who have forgotten the outrage connected with this outrage upon public rights.

STORY OF THE DYNAMITE CONCESSION.

Some years ago, Mr. Lippert got a concession for the right to manufacture and sell dynamite and all other explosives. He was to manufacture the dynamite in this country. For years he has been manufacturing dynamite under the name of Guhr Impregne duty free. He has manufactured dynamite in the country, and upon public demand the Government was compelled to cancel the concession. The President himself denouncing the action of the concessionaire as fraudulent. For a time we breathed freely, thinking we were free of this incubus; but within a few months the Government gave virtually to the same people another concession, under which they are now taking from the pockets of the public 600,000*l.* p. a. and this is a charge which will go on growing should the dynamite industry survive the persistent attempts to strangle it. He who is charged with the public interests could be parties to this fleecing of the public passes comprehension. Then, the only feature about the matter is that the Government has paid a petty fraction of this vast sum, and the concessionaire, on this plea obtained enormous advances of public money from the Government, without security, to carry on their trade. Still the concessionnaires are entitled to charge 90*s.* a case for dynamite while it could be bought if there were no concession for a case. It may be stated incidentally, that Mr. Wolmer, a member of the Government, has been for years challenging that he is enjoying a royalty of 2*s.* on every case of dynamite and that he has up to the present moment neglected to test his challenge. Proper municipal government is denied to us, we do not know how much this means with regard to health, comfort, and value of property. The Statute Books are disfigured with enactments imposing religious disabilities; and the English lan-

by the great bulk of the people, is denied all official. The natural result of the existing condition of things is that the owners of the mines are those who have invested no money—the Government, the railway concessionnaires, the mining concessionnaires, and others. The country is rich, and the government could be developed marvellously, but it is hampered by the drain of the present exactions. We have lived upon foreign capital, and the total amount of the dividends received by shareholders in companies is ridiculously small as compared with the aggregate amount of capital invested in mining. In the long run the inevitable result upon our credit and upon our independence will be forced upon us.

HATRED OF THE SAXON.

in disguising the fact that the original policy of the Government was based upon intense hostility to the English-speaking burghers, and that even against the enfranchised burgher of the Transvaal is the determination to retain all power in the hands of the Boers who are enjoying the sweets of office now, and naturally the Boers are of relations and friends and henchmen ardently supporting the existing régime, but there are unmistakable signs, and it is clear that the policy which he has hitherto adopted will not be able to keep in check the growing population. It seems to be the policy of the Government to repress the growth of the Transvaal at every turn, to prevent the working classes from settling down and making their homes and surrounding themselves with families, and there is no mistaking the significance of the speech of the President when he opposed the throwing open of the Transvaal at Pretoria on the ground that "he might have a second Johannesburg there," nor that of his speech upon the motion for the Transvaal to allow diamond drills to prospect Government lands, which was opposed on the ground that "there is too much gold here."

THE POLICY OF FORCE.

have openly the policy of force revealed to us. Money has been spent upon the completing of a fort at Pretoria, money has been spent upon a fort to terrorise the inhabitants of the Transvaal, large orders are sent to Krupp's for big guns, and have been ordered, and we are even told that German troops are coming out to drill the burghers. Are these things done because they are calculated to irritate the feeling to breaking away from the Transvaal? Is there any necessity is there for forts in peaceful inland towns? Is the Government endeavour to keep us in subjection to

unjust laws by the power of the sword instead of making them live in the heart of the people by a broad policy of justice. It can be said of a policy which deliberately divides the two sections of the people from each other, instead of uniting them under equal laws, or the policy which keeps us in eternal quarrel with the neighbouring States? What shall be said of the policy of every act of which sows torments, discontent, or race hatred, which reveals a conception of Republicanism under which the only duty of the majority of the people is to provide the revenue, and to insult, while only those are considered Republicans who speak a certain language, and in greater or less degree share the power of the ruling classes?

A STIBBING PERORATION.

I think this policy can never succeed, unless men are not bereft of every quality which made their forefathers free, unless we have fallen so low that we are prepared to forfeit our self-respect, and our duty to our children. Once more I come to state again in unmistakable language what has been so often stated in perfect sincerity before, that we desire an independent republic which shall be a true republic, in which every man is prepared to take the oath of allegiance to the State on equal rights, in which our children shall be brought up side by side as united members of a strong commonwealth, that we are not by no race hatred, that we desire to deprive no man, be his colour what it may, of any right.

THE CHARTER OF THE UNION.

We have now only two questions to consider: (a) What do we want? (b) how shall we get it? I have stated plainly what our grievances are, and I shall answer with equal directness the question "What do we want?" We want: (1) the establishment of a Republic as a true Republic; (2) a Grondwet or Constitution which shall be framed by competent persons selected by representation of the whole people and framed on lines laid down by themselves; (3) a constitution which shall be safeguarded against hasty alteration; (4) an equitable franchise law, and fair representation; (5) equality of the Dutch and English languages; (6) responsible government; (7) a Legislature to the heads of the great Departments; (8) removal of religious disabilities; (9) independence of the Courts; (10) adequate and secured remuneration of the Judges; (11) adequate and comprehensive education; (12) efficient civil service; (13) adequate provision for pay and pension; (14) free trade.

products. That is what we want. There now remains the which is to be put before you at the meeting of the y, viz.: How shall we get it? To this question I shall m you an answer in plain terms according to your judgment.

CHARLES LEONARD,
Chairman of the Transvaal National Union.

No. 2.—*Mr. Chamberlain to Sir Hercules Robinson.*

(Sent 5.30 P.M., 29th December, 1895.)

(ic.)

Confidential.)

been suggested, although I do not think it probable, that our might be made to force matters at Johannesburg to a some one in the service of the Company advancing from and Protectorate with police.

this to be done, I should have to take action under 2 and 8 of the Charter. Therefore, if necessary, but not remind Rhodes of these Articles, and intimate to him our opinion, he would not have my support, and point out uences which would follow.

No. 3.—*Sir Hercules Robinson to Mr. Chamberlain.*

(Received 2.50 P.M., 30th December, 1895.)

(ic.)

on good authority movement at Johannesburg has Internal divisions have led to the complete collapse of ent, and leaders of the National Union will now probably best terms they can with President Krüger.

No. 4.—*Mr. Chamberlain to Sir Hercules Robinson.*

(Sent 4.30 P.M., 30th December, 1895.)

(ic.)

telegram* received.

u sure Jameson has not moved in consequence of collapse. egram of yesterday.†

No. 5.—Sir Hercules Robinson to Mr. Chamberlain.

(Received 4.45 P.M., 30th December, 1895.)

[*Answered by No. 7.*]

(Telegraphic.)

INFORMATION reached me this morning that Dr. Jameson was preparing to start yesterday evening for Johannesburg with a force of police. I telegraphed at once as follows to the Resident Commissioner in the Bechuanaland Protectorate:—

"There is a rumour here that Dr. Jameson has entered the Transvaal with an armed force. Is this correct? If it is, send a special messenger on a fast horse directing him to return at once. A copy of this telegram should be sent to the officers with him, and they should be told that Her Majesty's Government repudiate this violation of the territory of a friendly State, and that they are rendering themselves liable to severe penalties."

If I hear from Newton that the police have entered the Transvaal, shall I inform President Krüger that Her Majesty's Government repudiate Jameson's action?

No. 6.—Sir Hercules Robinson to Mr. Chamberlain.

(Received 5.32 P.M., 30th December, 1895.)

(Telegraphic.)

I HAVE received following from British Agent in the South African Republic:—

Begins: 30th December, very urgent. President South African Republic sent for me, and the General then read to us telegram from Landdrost of Zeerust that a number of British troops have entered Transvaal Republic from Mafeking and cut the wire, and are now on the march to Johannesburg. I assured President that I could not believe the force consisted of British troops. The General then said they may be Mashonaland or Bechuanaland police, but he believes the information that a force had entered the State, and he said he would take immediate steps to stop their progress. His Honour requested me to ask your Excellency whether this force is composed of British troops or police under your Excellency's control, or whether you have any information of the movement.

Ends.

I replied that I had learnt rumour to same effect, and have telegraphed to inquire, adding that, if true, the step has been taken without my authority or cognizance, and that I have repudiated the act and ordered force to return immediately.

—*Mr. Chamberlain to Sir Hercules Robinson.*

Sent 11:30 P.M., 30th December, 1895.)

your telegrams relative to situation in South African
action is cordially approved. I presume that
des will co-operate with you in recalling Adminis-
tration. Keep me informed fully of political
aspects; it is not clearly understood here. Leave
me to prevent mischief.

—*Sir Hercules Robinson to Mr. Chamberlain.*

Received 11:5 A.M., 31st December, 1895.)

further message just received from British Agent,
Republic:—

10th December, most urgent. Commandant-General
positive information that about 800 Mashonaland
to Rustenberg well armed with six Maxims and four
on march to Johannesburg, flying the English flag.
Desires me to say that an armed force of British
in Transvaal Republic by force is a serious breach of
treaty, that he is much surprised that Her Majesty's
Government should allow such serious movements to go on
and he still hopes your Excellency will take immediate
action to stop his force from proceeding any further, as his Honour
will not tolerate such encroachment on his legal rights with impunity,
and the consequences will follow, for which his Government
will be responsible. Awaiting immediate instructions.

Instructed British Agent to send at once a thoroughly
mounted express with following message from me to
meet him on the road:—

Her Majesty's Government entirely disapprove your
advancing Transvaal with armed force; your action has
been illegal. You are ordered to retire at once from country,
and are personally responsible for the consequences of your
present and most improper proceeding. *Ends.* Inform
British African Republic of purport of this message.

has not been in Cape Town to-day. I have sent him in
the purport of your message, and have remonstrated in

strongest terms against Jameson's action, warning him of consequences.

No. 9.—Sir Hercules Robinson to Mr. Chamberlain.

(Received 11.28 A.M., 31st December, 1895.)

(Telegraphic.)

I HAVE received following from British Agent, South African Republic:—

Begins: 30th December. Most urgent. I have just been informed on unquestionable authority that, in view of the force entering Transvaal Republic, presumably British, under British flag, President South African Republic has requested the intervention of Germany and France, and Consuls have been requested to their respective Governments. No reply to my telegrams of to-day yet. I respectfully submit that I am in a most awkward position in this critical condition to be without any instructions for my guidance; the Government have sent for me twice; possibly by this time blood has already been shed. *Ends.*

British Agent has been informed that his previous replies have been replied to as soon as received.

No. 10.—Sir Hercules Robinson to Mr. Chamberlain.

(Received 12.32 P.M., 31st December, 1895.)

(Telegraphic.)

IN continuation of my telegram of this morning* I have received following reply from Newton:—

Begins: 30th December. Your Excellency's of to-day gives every reason to believe that the rumour to which your Excellency refers is correct. Two troops of Company's police left last night in an easterly direction with two Maxims and machine guns. I understand the fact has been officially reported to local authorities here to the Cape Government. I received your Excellency's telegram under reply in two portions, owing to an interruption on the wire, the latter portion arriving here at 1.30. Orderly Sergeant White, Bechuanaland Police, has been sent in plain clothes on the best horse in camp to overtake the party and have forwarded a certified copy of your Excellency's telegram to Dr. Jameson with a request that he will immediately comply with your Excellency's instructions. I also sent a copy to the

the force, requesting him to circulate it among his
 his information and guidance, and I have also sent
 officer second in command and to the Captain of the two
 of the force. I doubt whether the messenger will be able
 to reach the force within 120 miles from here, as it probably had
 not yet started, as I understand it passed through Malmani at
 an early hour. Any further information will be immediately
 forwarded to your Excellency. *Ends.*

—*Mr. Chamberlain to Sir Hercules Robinson.*

(Sent 2.10 P.M., 31st December, 1895.)

[*Answered by No. 25.*]

to represent to Mr. Rhodes the true character of
 his action in breaking into a foreign State which is
 in friendly relations with Her Majesty, in time of peace.
 in time of war, or rather of filibustering. If the Government
 of the South African Republic had been overthrown, or had there
 been a revolution at Johannesburg, there might have been some shadow
 of justification for this unprecedented act. If it can be proved that the
 De Beers Company set Dr. Jameson in motion, or were
 the cause of a fraudulent action, Her Majesty's Government would at
 once make a demand that the Charter should be revoked and
 the company dissolved.

The first messenger may not succeed in overtaking
 the second, and it is not impossible that the latter may disregard
 the first, and even the second message sent by you through the
 post at Pretoria, could you not, with President Krüger's
 permission, send Sir J. de Wet himself to meet Dr. Jameson and order
 him to return in a more authoritative manner to return? I am appre-
 hensive of the consequences to British as well as to Transvaal
 if Johannesburg should take place outside
 the forces of the Transvaal and Dr. Jameson. You should
 impress on the President the importance of avoiding
 conflict, in view of the possible ulterior consequences.

that Mr. Rhodes will see the necessity of co-operating
 in doing what Dr. Jameson has done. In any case the
 British will probably have to pay a pecuniary indemnity for
 the territory and destruction of property by their officer.

that an invitation to come in was sent to Dr. Jameson
 at Johannesburg?

No. 12.—Mr. Chamberlain to Sir Hercules Robinson.

(Sent 3.10 P.M., 31st December, 1895.)

(Telegraphic.)

I HAVE thought it expedient to send the following telegram *en clair* to the President of the South African Republic:—

Begins : Regret to hear of Jameson's action. Sir Hercules Robinson has sent messengers to call him back. Can I co-operate with you further in this emergency in endeavouring to bring about a peaceful arrangement which is essential to all interests in South Africa, and which would be promoted by the concessions that I am assured you are ready to make ? *Ends.*

No. 13.—Colonial Office to the British South Africa Company.

[*Answered by No. 41.*]

SIR,

Downing Street, December 31, 1895.

I AM directed by Mr. Secretary Chamberlain to acquaint you that he has heard, on authority which he cannot doubt, that Dr. Leander Starr Jameson, C.B., the Company's Administrator in Matabeleland, who was at Mafeking last Sunday, burst into the South African Republic during the early hours of Monday morning at the head of an armed and mounted force of about 700 men, and is now somewhere between Malmani and Rustenberg, and is destroying the public telegraph line as he goes along.

Mr. Chamberlain desires you to note that the South African Republic is a foreign State, with which Her Majesty is at peace and in Treaty relations, and in this connection I am to remind you—

1. Of the obligations imposed by Article 22 of the Charter of the British South Africa Company to perform and undertake all the Treaty obligations of Her Majesty towards any other State or Power.

2. Of the power reserved by Article 8 to a Secretary of State to make known to the Company his dissent from or objection to any of the dealings of the Company with a foreign Power, and of the obligation of the Company to act in accordance with any suggestion of a Secretary of State founded on such dissent or objection.

3. Of the further power reserved by Article 35 to the Queen to revoke the Charter and revoke and annul the privileges, powers, and rights of the Company under the Charter.

As it is well known, one of the obligations of Her Majesty the Queen is to respect the right to self-government of the South African Republic, subject to the provisions of the Conventions between Her Majesty and that State. Dr. Jameson's conduct is

ly a breach of that engagement, and assuming for a
his act is that of the Company, Mr. Chamberlain,
8, hereby makes known to the British South Africa
he dissents from and objects to the proceedings of
towards the foreign State styled the South African
suggests to the Company that it at once reverse those

thus taking the appropriate steps prescribed by the
Chamberlain can hardly doubt that, as a matter of
of Dr. Jameson's action will have been received by
with the same feelings of pained surprise as it was by
uld be glad to have an early expression of the views
ors on the situation.

possibility it could be brought home to the Company
set Dr. Jameson in motion or were privy to his
aviour, Mr. Chamberlain desires me to observe that
Government would have at once to face a demand for
of the Charter and the dissolution of the Corpora-

erlain is using the most strenuous endeavours, in
with Sir Hercules Robinson, President Krüger, and
mize and avert the consequences of Dr. Jameson's
act, and he hopes to learn that the efforts of the
eing used, and will be used, in the same direction.

I am, &c.,

EDWARD FAIRFIELD.

—*Sir Hercules Robinson to Mr. Chamberlain.*

(Received 1st January, 1896.)

ber.—No. 4. Since dispatching my three cablegrams
have received following two telegrams from British
outh African Republic:—

31st December. Urgent. Your Excellency's
terday received past 9 last evening. I at once went
bert's house and communicated same to him and
phoned substance of your message to President of
Republic. Whilst at General Joubert's house he
r information that at 5 o'clock Dr. Jameson with
cers and the force were about three or four hours
Rustenberg. He was seen in the very act of cutting
wire, and it is said that all communication between

* Nos 8, 9, and 10.

there and Bechuanaland is also cut off. General Joubert has issued orders that this force is to be stopped at all hazards; a large Burgher force has proceeded in this direction, and a collision may take place at any moment. It has now been definitely ascertained that there is a large organization at Johannesburg, and that preparations have gone on for months to forcibly overthrow the Government. A civil war seems inevitable. More than half the Johannesburg people, English as well as other foreigners, are against the revolutionary movement, and will probably side with the Government in every way; the feeling here is intense indignation at British South Africa Company's force invading this country, and there is the strongest suspicion that Her Majesty's Government countenance the movement, or at all events must be cognizant of what was going on or intended. I repudiated both assumptions as impossible; the misery and sufferings that this dreadful business will bring on the whole community of this country cannot be estimated; food-stuffs are already at famine prices, and if railway communications are cut off, as in all probability they may be, there will be famine and starvation, not even to speak of bloodshed, which now seems certain. I have asked his Honour for protection of law-abiding British subjects, which he promised. All special duties have been taken off from all food-stuffs, and further redresses of grievances have been promised by Government. I have offered General Joubert if he should go to Johannesburg with a view to try to avert the threatening danger that I will go with him and also do my best. Does your Excellency approve of this? The position is intensely critical and fraught with the greatest dangers, and all the horrors of civil war. Please intimate what my line of conduct should be. *Ends.*

Second begins: 31st December. Urgent. Your Excellency's telegram with message to Dr. Jameson only reached me at 8 this morning. I hope within an hour to start special messenger well mounted with pass from General to pass through burgher forces. Government informs me that burghers' Commandants have received instructions to allow Jameson's force to return, provided they disarm. Further information received here by Government that another troop of fifteen men of British South Africa Company's police under their officers left Mafeking last night to join Jameson's force who was at Malan's Farm last night near Rustenberg. If this force and the second do not surrender, an engagement seems inevitable. All families who can afford it are leaving Pretoria and Johannesburg. The delays in your Excellency's replies I am informed take place at Cape Town office. *Ends.*

Have seen C. J. Rhodes, who assures me Jameson acted without his authority. As soon as he heard on Sunday that Jameson

emplated entering Transvaal, he at once endeavoured to stop but found wires cut. He offered to resign if you or I wished that I said I saw no necessity at present for such steps, and I stated his sending telegram to President of South African Republic which he told me his colleagues in the Cabinet also recommended. I have approved British Agent in South African Republic accompanying Joubert to Johannesburg as proposed.

No. 15.—*Sir Hercules Robinson to Mr. Chamberlain.*
(Received 1st January, 1896.)

[*Answered by No. 20.*]

aphic.)
5. I have received following from Acting Orange Free State President:—

ns: President of South African Republic wires that an force of or about 800 men with Maxims and cannons is 40 miles within the boundary of South African Republic, over Commanding being Dr. Jameson. The Commandant of on cautioning him to retire beyond the borders of South Republic received following reply in writing: "Sir,—I am t of your protest of above date, and have to inform you intend proceeding with my original plans, which have no tentions against people of Transvaal, but we are here in an invitation from the principal residents of the Rand to n in their demands for justice and the ordinary rights of zen of a civilized State. (Signed) JAMESON." Is your aware of this? I trust that your Excellency will see action will have very serious consequences as regards the welfare of South Africa. I shall be glad to receive speedy ds.

informed Acting Orange Free State President that Her Government disapprove Dr. Jameson's proceeding, and s been ordered to retire at once from South African

No. 16.—*Sir Hercules Robinson to Mr. Chamberlain.*
(Received 1st January, 1896.)

[*Answered by No. 20.*]

ember.—No. 6. Mr. J. H. Hofmeyr has just been to is indignant at Jameson's invasion of South African h armed force, and says this will be feeling of every

Africander in South Africa. He says Jameson will disregard the messages he has received from me, and the public will not know of them; and he urges me to issue Proclamation publicly repudiating Jameson's action on behalf of Her Majesty's Government, and calling on all British subjects to abstain from aiding or abetting him in his armed violation of territory of friendly State. He thinks this step only chance of averting civil war. Acting on your injunction to leave no stone unturned to prevent mischief, I have decided to issue Proclamation and hope you will approve.

No. 17.—Sir Hercules Robinson to Mr. Chamberlain.

(Received 1st January, 1896.)

(Telegraphic.)

No. 1. I received last night a telegram from President of South African Republic beseeching me to issue a Proclamation impressing on British subjects that whenever they, armed and in military array, "trek" across the borders of the South African Republic they are guilty of a breach of the friendly relations existing between Her Majesty's Government and that of the South African Republic. He at the same time reminds me of his Proclamation at the time of the "trek" to Mashonaland, which had the desired result. I informed President in reply that I had already anticipated his wishes by the issue of a Proclamation, a copy of which was wired to the British Agent, South African Republic, for his Honour's information.

No. 18.—Mr. Chamberlain to Sir Hercules Robinson.

(Sent 12:30 P.M., 1st January, 1896.)

[*Answered by No. 34.*]

(Telegraphic.)

1st January.—No. 1. Glad to hear of Rhodes' repudiation of Jameson, who must be mad. I see no need for Rhodes to resign. Telegraph direct to editors of papers in Johannesburg, Pretoria, and Bloemfontein that you, I, and Rhodes repudiate Jameson's action, and that you are commanded by Her Majesty to enjoin all her subjects in South African Republic to abstain from aiding or countenancing Jameson or his force, to remain quiet and obey the law and the constitutional authorities, and to avoid tumultuous assemblies or in any manner adding to the excitement. Publish also in Cape press, and if necessary issue an additional formal Proclamation. It seems a clear case for asking President of South African Republic to allow a flag of truce under which De Wet can

on and order him in the Queen's name to disarm and
 it plain to him that he is practically an outlaw and a
 course the British South Africa Company, however
 have to make amends for this outrage. You had
 all this to De Wet through Governor of Natal,
 the latter that, with the concurrence of his Ministers,
 Proclamation similar to your own.

ty's Government will repudiate Jameson publicly

ould, as you ordered Newton to do, communicate
 Jameson's officers direct, telling those who belong to
 reserve forces that they will be cashiered unless they
 Majesty's order to disarm and retire. Inform Krüger
 os taken. At the same time impress upon him most
 ity of avoiding collision while Her Majesty's Govern-
 everything to prevent mischief.

eps you may think necessary in this crisis. I have
 in your discretion. The chief things are promptitude

Colonial Office to British South Africa Company.

(Sent 1:20 P.M., 1st January, 1896.)

s to my letter of last night, Mr. Chamberlain pre-
 Board or some of the Directors are meeting to-day
 Jameson's action. He expects from you a categorical
 ther your Company accepts or repudiates responsi-
 Jameson's action. No need to telegraph for information
 ca. News is true and details serious. Rhodes has
 responsibility for or foreknowledge of Jameson's action,
 d to resign as Cape Premier. But, as he appears to
 best to counteract mischief, Mr. Chamberlain has
 is morning that he sees no reason for his resigning.
 this definitely.

—Mr. Chamberlain to Sir Hercules Robinson.

(Sent 5:17 P.M., 1st January, 1896.)

y.—No. 2. Referring to your telegrams of 31st
 s. 5 and 6,* inform Acting President Orange Free
 smeyr that Her Majesty's Government repudiate

* Nos. 15 and 16.

Jameson's action and are doing all in their power to counteract the mischief he has done. I have no doubt that the influence of the Acting President and Hofmeyr will be used in the same direction.

No. 21.—President Krüger to Mr. Chamberlain.

(Received 1st January, 1896.)

(Telegraphic.)

THANK you for your friendly telegram.* I shall lay it before the Executive Council and telegraph immediately [afterwards].

No. 22.—Mr. Chamberlain to Sir Hercules Robinson.

(Sent 5.35 P.M., 1st January, 1896.)

(Telegraphic.)

1st January.—No. 3. It does not seem to be necessary that Jameson's force should be individually disarmed if he obeys the command to retire. Such a condition would be needlessly irritating, and might provoke resistance. If you can communicate with the messengers or with the Transvaal force, please arrange this. De Wet should accompany Jameson's force to frontier.

No. 23.—Sir Hercules Robinson to Mr. Chamberlain.

(Received 1st January, 1896.)

(Telegraphic.)

No. 3. The "Cape Times" of this morning announced that the Reform Committee had been declared to be the Provisional Government of Johannesburg. On inquiry I learn from Her Majesty's Agent that the Transvaal Government has no information of Provisional Government having been proclaimed.

No. 24.—Mr. Chamberlain to Sir Hercules Robinson.

(Sent 6.30 P.M., 1st January, 1896.)

(Telegraphic.)

ARE you of opinion that the time is at hand when you might usefully intimate to President Krüger your intention of proceeding to Pretoria as peacemaker and with a view to a reasonable settlement of grievances?

* See No. 12.

—*Sir Hercules Robinson to Mr. Chamberlain.*

Received 10.6 P.M., 1st January, 1896.)

to your telegram of 31st December,* I have asked Jameson himself, if possible, and to order him in an manner to retire. I have read your message to Rhodes to make a public disavowal of all complicity with believe that his colleagues have given him the same e also impressed on him the necessity for his co-ecting Jameson's immediate return.

a copy of a letter to Jameson, dated 20th December, Leonard, Frank Rhodes, Phillips, Hamond, and him to come to their assistance in case of disturbance g. I understand that these gentlemen now repudiate u on the ground that the circumstances contemplated ad not arisen when he started. Jameson's action is oughout all South Africa; not a voice is raised in his

26.—*President Krüger to Mr. Chamberlain.*

Received 1.15 A.M., 2nd January, 1896.)

ed your telegram† before the Executive Council, and y that body to thank you for the offer you have made with me under the present circumstances. The ncil sees in this the confirmation of the friendly r Majesty's Government expressed in a message day from the High Commissioner. For the moment Council thinks it desirable to communicate the telegram, and thinks that Her Majesty's Govern-ration therein furnishes the best opportunity for

man, Buluwayo, and from "Chronicle," Buluwayo.—nancial Record," Johannesburg. Buluwayo, Monday: ews received from Transvaal, 1,000 men ready leave at moment's notice, mounted, equipped, armed with axims; mass meeting held Sunday evening, another ay 31, 179, "Chronicle" to "Star," Johannesburg: t information has just come to hand that Captains reekley have been ordered to the Transvaal with e force of Rhodesia Horse; the force will be on

horseback, and take all the remaining Maxims in town as well as the new 12-pr. A contractor will supply 100 mules for transport of machine-guns, &c.; 1,000 men have been asked for, and despatches have been sent to the surrounding districts of Gwand and Relingwe to mobilize the men immediately; it is expected that the number will be raised all right; the two officers expect to leave in about a week, as the orders are to start immediately and have [? spare] no expense; the road taken will be the Mafeking via Tat where every arrangement has been made for provisioning the troops we understand that the men will be well paid and receive a bonus at the end of the affair; the two officers will enrol all those men who wish to go at once; no time will be lost.

No. 27.—Sir Hercules Robinson to Mr. Chamberlain.

(Received 2.19 A.M., 2nd January, 1896.)

(Telegraphic.)

1st January.—No. 2. Following telegram received from Acting Orange Free State President:—

Begins: Your Excellency's telegram of yesterday received. I must thank your Excellency for the measures so far adopted to preserve peace of South Africa, but information to hand leads me regretfully to conclude that your Excellency's endeavours to recall Dr. Jameson from his unwarranted invasion of South African Republic have hitherto been unsuccessful. Jameson's forces consisting of British subjects organized in and starting from British territory to invade the neighbouring Republic, I feel my duty to ask your Excellency whether any, and what, steps are being taken by British Government forcibly to oppose Jameson and to insure his retirement. I am about issuing orders to have our burghers commandeered to be in readiness to assist the sister Republic, but trust that your Excellency may still be enabled to adopt such measures as to avert the necessity of interference by this State to aid our sister Republic in resisting hostile attacks from without on their independence. In all efforts to avert bloodshed your Excellency will have hearty co-operation from this Government. *Ends.*

I have to-day sent following reply:—

Begins: Your Honour's telegram of to-day. I have sent British Agent in South African Republic, Sir J. De Wet, to turn back Dr. Jameson; should that step fail, I must consult Her Majesty's Government as to what steps I am to take. I am using my utmost endeavours to avert bloodshed and bring about peaceable settlement, and I ask your Honour's Government to assist me in this. *Ends.*

have the two Republics are mutually bound by Treaty to
 each other in the event of hostile attack upon either from

No. 28.—*Sir Hercules Robinson to Mr. Chamberlain.*

(Received 4.52 A.M., 2nd January, 1896.)

[*Answered by No. 30.*]

mic.)

I sent British Agent, Pretoria, following telegram this

: I have just seen in papers that there has been a rising
 Johannesburg and a Provisional Government declared. See
 of South African Republic at once, and ask if he would
 to come up to Pretoria to co-operate [with] him in
 ing to bring about a peaceful settlement. *Ends.*

just received following reply:—

: Following answer to your Excellency's telegram of this
 offering to co-operate with President South African
 has this moment been handed to me:

: From his Honour the President: I accept your Excel-
 lency delivered to me by British Agent to come to Pretoria to
 prevent further bloodshed, as I have received information
 Jameson has not given effect to your orders, and has fired
 burghers. I would advise your Excellency, for cogent
 to come straight to Pretoria, and to receive no deputations
 Johannesburg or Pretoria until you have met his Honour
 ment. *Ends.*

s and colleagues in the Cabinet warmly in favour of my
 and proceeding to Pretoria by special train to-morrow
 Chief Justice and Hofmeyr also told me this morning that,
 it would be right for me to go. Do you approve of my
 and have you any instructions to give me? What line
 e with Jameson, who has apparently disregarded my two
 and my Proclamation, and is stated to have fired on the
 It is believed that he will be in Johannesburg at
 to-morrow morning. Reply as soon as you can, as arrange-
 special train and other administrative matters have to be
 I receive your reply. Please telegraph "yes" or "no"
 if "yes" your instructions can follow later and meet me
 d.

No. 29.—Sir Hercules Robinson to Mr. Chamberlain.

(Received 6.15 A.M., 2nd January, 1896.)

(Telegraphic.)

No. 5. Following has been received from De Wet:—

Begins: Just received following reply from Dr. Jameson in reply to your Excellency's first message ordering him to return:*Begins*: 1st January. Dear Sir,—I am in receipt of the message you sent from his Excellency the High Commissioner, and beg to reply, for his Excellency's information, that I should, of course desire to obey his instructions, but, as I have a very large force of both men and horses to feed, and having finished all my supplies in the rear, must perforce proceed to Krugersdorp or Johannesburg this morning for this purpose. At the same time I must acknowledge I am anxious to fulfil my promise on the petition of the principal residents on the Rand to come to the aid of my fellow-men in their extremity. I have molested no one, and have explained to all Dutchmen met that the above is my sole object, and that I shall desire at once to return to the Protectorate.—I am, &c. JAMESON.
*Ends.**No. 30.—Mr. Chamberlain to Sir Hercules Robinson.*

(Sent 11.15 A.M., 2nd January, 1896.)

(Telegraphic.)

2nd January. In answer to your telegram of yesterday,*
No. 4: Yes.*No. 31.—Mr. Chamberlain to the British South Africa Company.*

(Sent 11.40 A.M., 2nd January, 1896.)

(Telegraphic.)

A REPORT has reached me that a force of 1,000 mounted men is preparing to start at once to invade the Transvaal from Buluwayo via the Tati and Mafeking road under Captains Napier and Spreckley, fully armed and equipped with Maxims, &c. This is said to have been done by order. Telegraph at once to your representative in Matabeleland peremptorily to stop this intended movement. I desire to see all the Directors and the solicitor here as soon as your meeting is over.

* No. 28.

— *Mr. Chamberlain to Sir Hercules Robinson.*
(Sent 12.35 P.M., 2nd January, 1896.)

[*Answered by No. 50.*]

indicated in my telegram of this morning,* I entirely
going to Pretoria. Jameson's conduct is altogether
Has De Wet appealed to officers accompanying him ?
ment service will be cashiered if disobedient. Take
with Jameson, whose continued refusal to obey will
tion and greatly aggravate his original misconduct.
expense in providing food and forage must stand in
mediate retirement. Rhodes must send message to
therwise British South Africa Company will be held
Jameson's action. Instructions follow with regard
ement.

— *Mr. Chamberlain to Sir Hercules Robinson.*
(Sent 1.40 P.M., 2nd January, 1896.)

[*Answered by No. 51.*]

e received from President of South African Republic
nation which has reached him from Matabeleland to
,000 armed and mounted men are being got together
with six Maxims and 12-prs., under Captains Napier
to invade the Transvaal, advancing by the Tati
road. I have enjoined the British South Africa
telegraph direct to Buluwayo to stop this. Com-
information to Rhodes, asking for explanations, and
to take the necessary action. Warn Ashburnham to
force, and order them to turn back in the Queen's
e in the force who bears the Queen's Commission
I should he disobey.

of Bechuanaland and Matabeleland is not already
ong, issue legislative Proclamation, covering both
biting such filibustering under appropriate penalties.
aph text of message from President of South African
n. Apart from the report of what is happening at
not important.

* No. 30.

No. 34.—Sir Hercules Robinson to Mr. Chamberlain.

(Received 2.5 P.M., 2nd January, 1896.)

(Telegraphic.)

No. 1. Your telegram of 1st January, No. 1.* I think Proclamation of 31st December does all that is necessary at present; if later I find additional Proclamation necessary or desirable will issue one. My Proclamation was issued by me not as Governor but as High Commissioner, and it applied to the whole of South Africa. Issue of similar Proclamation by Governor of Natal would be *ultra vires*, as Governor of Natal has no authority over Administrator of Mashonaland; but I will suggest Governor of Natal that, with concurrence of his Ministers, he should issue Proclamation calling on all persons in Natal to abstain from taking any part in disturbances in Transvaal.

I will again have Jameson's officers warned as directed by you, but the force is probably in Johannesburg before this.

No. 35.—Sir Hercules Robinson to Mr. Chamberlain.

(Received 4.10 P.M., 2nd January, 1896.)

(Telegraphic.)

No. 2. Newton telegraphs that his messenger overtook Jameson 10 miles on the other side of Elans River; brought back verbal messages that the despatches had been received and would be attended to; the force was saddling up when messenger arrived, and at once proceeded eastwards. Jameson has thus received both my messages, and has disregarded them.

De Wet telegraphs this morning that it would have been impossible for him to have gone to Jameson, and if it had been possible his mission would have proved futile, as fighting commenced at 4 o'clock yesterday. He had been unable to obtain particulars from Joubert last night, and has heard nothing beyond rumour this morning.

"Cape Times" has telegram this morning as follows: Pretoria, 1st January. Latest from Krügersdorp is that there has been hard fighting, the chartered troops suffering heavily. Will cable as soon as I learn anything authentic.

—*Sir Hercules Robinson to Mr. Chamberlain.*

(Received 4.40 P.M., 2nd January, 1896.)

Following message received from British Agent South
ic :—

1st January. I have just seen the Executive General ;
as he knows, Jameson has been driven from several
burghers have twenty-two wounded prisoners,
officers, and twenty other prisoners ; five dead
n buried by burghers ; last information fighting still
force has yet moved out of Johannesburg to assist
rmation received by Government of further British
ompany's forces mobilizing to enter Transvaal, and a
o within Transvaal on Bechuanaland border. Free
ssist Transvaal if required. Jameson surrounded by
e to Krügersdorp. Railway line between Krügers-
nesburg been broken up. *Ends.*

—*Sir Hercules Robinson to Mr. Chamberlain.*

(Received 4.40 P.M., 2nd January, 1896.)

Following telegram received from Acting President of
ate to-day :—

I have the honour to inform your Excellency that
have been commandeered to take up a position
on this side of Vaal River.

—*Sir Hercules Robinson to Mr. Chamberlain.*

(Received 4.40 P.M., 2nd January, 1896.)

Following message received from British Agent South
ic to-day :—

1st official information Jameson's forces hoisted white
orders unconditional surrender.

No. 39.—*Sir Hercules Robinson to Mr. Chamberlain.*

(Received 4.40 P.M., 2nd January, 1896.)

(Telegraphic.)

No. 6. Following message received from British Agent in South African Republic :—

Begins : Jameson's force surrendered. *Ends.*

No. 40.—*Mr. Chamberlain to Sir Hercules Robinson.*

(Sent 8 P.M., 2nd January, 1896.)

[*Answered by No. 45.*]

(Telegraphic.)

2nd January.—No. 4. I regret that Jameson's disobedience has led to this deplorable loss of life. Do your best to secure generous treatment of the prisoners and care of the wounded.

Telegraph names of killed and wounded, and let me know from time to time how the wounded are going on.

This lamentable occurrence renders your presence in the South African Republic more desirable than ever. I presume that you are on your way.

No. 41.—*The British South Africa Company to Colonial Office.*

(Received 2nd January, 1896.)

SIR,

15, *St. Swithin's Lane, E.C., January 2, 1896.*

YOUR letter of the 31st ultimo,* acquainting this Company that Mr. Secretary Chamberlain has heard that Dr. Jameson burst into the South African Republic during the early hours of Monday morning at the head of an armed and mounted force of about 700 men, and is destroying the public telegraph line as he goes along, has been considered by my Directors at a special Board meeting held to-day, and they have also had before them Mr. Chamberlain's telegram† addressed to them this morning.

Until the receipt of your letter, my Board had no knowledge of the occurrences of which you advise us, and I am to state that my Directors are absolutely without any information beyond what you convey and what is to be learnt from the public journals.

Immediately on receipt of your letter yesterday morning an urgent telegram was sent to the Managing Director at Cape Town, communicating fully the contents of your letter, and asking for full

* No. 13.

† No. 19.

, but up to the time of writing no reply has been
 rectors, in obedience to the requisition and suggestion of
 Honourable the Secretary of State, made pursuant to
 of the Charter, instruct me to state that this Company
 rom and objects to the action it is stated that their
 ator, Dr. Jameson, has taken; and this Company has
 its Managing Director in Cape Town, and directed him to
 ly inform Dr. Jameson of the desire of the Secretary of
 require him to at once return to this Company's field of
 e to the Acting Administrator at Salisbury, and to the
 officer in command at Buluwayo, has been dispatched, in
 e with Mr. Chamberlain's telegram.
 o add that my Board is prepared to take any steps and
 instructions the Secretary of State may in the circumstances
 ssary.

I am &c.,

HERBERT CANNING, *Secretary.*

No. 42.—Mr. Chamberlain to President Krüger.
 (Sent 1:30 P.M., 3rd January, 1896.)

[*Answered by No. 69.*]

ic.)
 umoured here that you have ordered prisoners to be shot.
 believe it, and rely on your generosity in the hour of
 s telegraphs this morning that rumour as to force collecting
 yo is absolutely false.

—*Mr. Chamberlain to the Officer in charge, Government*
House, Cape Town.
 (Sent 1:40 P.M., 3rd January, 1896.)

[*Answered by No. 58.*]

ic.)
 ne further particulars of fighting at once without waiting
 killed and wounded. Did Jameson survive? Is Johannes-
 ?

No. 44.—Mr. Chamberlain to Sir Hercules Robinson.

(Sent 1.40 P.M., 3rd January, 1896.)

(Telegraphic.)

REFERRING to my telegram No. 3 of the 2nd January,* British South Africa Company have communicated to me a telegram from Mr. C. J. Rhodes saying that rumour as to Napier and Spreckley is entirely false. I think, however, that you had better send Ashburnham or some other officer to Buluwayo to verify this. I should feel bound to do everything to assist the President of the South African Republic in averting a further violation of his territory. Inform President of South African Republic of Rhodes telegram, and, unless you have any objection, inform him of what I have said above, and of my telegram, No. 3 of the 2nd January.†

No. 45.—Sir Hercules Robinson to Mr. Chamberlain.

(Received 4 P.M., 3rd January, 1896.)

(Telegraphic.)

Beaufort West, 3rd January.—No. 1. Your telegram of yesterday† will be attended to. I left Cape Town at 9 o'clock last night; hope to reach Pretoria at 9 o'clock to-morrow, Saturday, and cablegrams from you will reach me on the road.

No. 46.—Mr. Rhodes to the British South Africa Company.

(Dated 3rd January, 1896.)

(Communicated to the Colonial Office by the Directors.)

(Telegraphic.)

MR. RHODES says Dr. Jameson started without his knowledge or consent. Dr. Jameson had strongly-worded letter from leading inhabitants of Johannesburg asking assistance in the event of trouble arising from just demands for constitutional rights. Letter stated large number women and children would be unprotected. British South Africa Company in no way responsible for Dr. Jameson's movement. Dr. Jameson took bit in mouth and bolted off.—C. J. RHODES.

* No. 33.

† No. 40.

7.—*Mr. Chamberlain to Sir W. F. Hely-Hutchinson*
(*Pietermaritzburg*).

(Sent 1:30 A.M., 4th January, 1896.)

[*Answered by No. 63.*]

ic.)

you any news of Jameson's engagement, or any material
quently from Johannesburg? High Commissioner is on
Pretoria, and I can get no news from Cape Town. I
Jameson's reported surrender.

48.—*Mr. Chamberlain to Sir Hercules Robinson.*

(Sent 3 A.M., 4th January, 1896.)

[*Answered by No. 66.*]

ic.)

received no messages from you for the last thirty-five hours.
once cause of delay.

49.—*Mr. Chamberlain to Sir Hercules Robinson.*

(Sent 4:10 A.M., 4th January, 1896.)

ic.)

giving instructions under present circumstances as a guide
conduct, I must leave you to exercise your discretion,
have full confidence.

following are, however, generally the views of Her Majesty's
nt, which you should put before the President of the
ican Republic. Her Majesty's Government need hardly
sident Krüger of their friendly feelings towards him and
re to promote the best interests of the Republic, nor of
adherence to the provisions of the London Convention.
however, that the large interests with which they are
South Africa justify them in making friendly representa-
e President in regard to matters outside the Convention in
sons of British nationality, who have for some time cast in
with the South African Republic are deeply concerned.

incipal of these questions is that of the electoral franchise,
of naturalisation generally. These questions are among
which the First Volksraad has within the last few years
s policy by altering the *status quo* as it was present to the
Her Majesty's advisers when they negotiated the Conven-
ndon. As to the reforms on this point, you may take it
Majesty's Government adopt as their own the views

and arguments of Lord Ripon's despatch of the 19th October 1894.

They do not set up the doctrine of double allegiance, which indeed, is negatived by Act of Parliament. But the claim for citizenship for all persons born in the Republic and also for Uitlanders who have resided for a reasonable period in the Transvaal, and, who have fulfilled all other usual conditions, appears to them to be not unreasonable and justified by the precedents in all civilised States. In connection with this subject I wish you to represent to the President that the form of the oath of allegiance is unusual and humiliating, as explained by Lord Ripon. I need only add that once the way to naturalisation is made easy, and the electorate enlarged, an addition to the numbers of the Volksraad would follow as a necessary corollary, so that votes may have somewhat approaching to an equality of value.

The next point is the taxation. Her Majesty's Government understand that the Uitlanders do not deny that public burdens should be proportionate to ability to pay, and that the Republic is entitled to take toll on the mineral wealth of those to whom the right of working the minerals has been conceded. But, for reasons with which you are familiar, they allege that the existing taxation is unequal, and more especially oppressive to that section of the community by whose toil the South African Republic has been raised to its present prosperity. Her Majesty's Government feel sure that these complaints will receive attention of President of the South African Republic, and that he will see that much bitterness would be avoided if all grievances ascertained on inquiry to be well founded were remedied.

The other chief causes of complaint as to which I hope redress will be granted are (1) absence of all provision for education for the children whose mother-tongue is other than Dutch, given when their numbers are sufficient to make establishment of separate schools possible, in their own language; (2) want of efficient police in centres of population, especially in connection with detection of crime; and (3) the inefficiency of the present system of mine inspection.

I leave to you, in exercise of the discretion already intrusted to you, to bring forward and press other points as you may deem it advisable; but I should be glad if you could see your way to inclusion of the very important question of the granting, in due course, of full municipal privileges to Johannesburg. The main matter with which I have to deal is the degree of urgency with which you are to press these points on the attention of the President and the other authorities. I am aware that victory of Transvaal Government over Administrator of Matabeleland may possibly

willing to make any concessions. If this is the attitude, they will, in my opinion, make a great mistake; for from which they have just escaped was real, and one which, circumstances which led up to it are not removed, may recur, although in a different form.

I have done everything in my power to undo and to minimise the damage done by the late unwarrantable raid by British subjects into the interior of the South African Republic, and it is not likely that such a raid will be ever repeated; but the state of things of which the cause has been made cannot continue for ever. If those who form the majority of inhabitants of the Transvaal, but are excluded from participation in its government, were, of their own accord and without any interference from without, to attempt to change the present state of things, they would, without doubt, attract sympathy from all civilized communities who themselves live under a free Government, and I cannot regard the present state of the South African Republic as free from danger to the integrity of its institutions. The Government of the South African Republic cannot be indifferent to those considerations; and President Kruger of the South African Republic himself has on more than one occasion shown his willingness to inquire into and to deal with just causes of discontent; and the Volksraad have now the opportunity to show magnanimity in the hour of their success, and to settle disputes by moderate concessions. They must fully admit the responsibility of yourself and of Her Majesty's Government to the London Convention, as shown by their recent intervention, and must recognize that their authority in crisis through which they have just passed could not have been so promptly and effectively maintained without that intervention.

I will recognize this by making concessions in accordance with the friendly advice, no one will be able to suggest that they are made under pressure, and their voluntary moderation will produce good results among all who are interested in well-being of the Transvaal and the future of South Africa.

No. 50.—*Sir Hercules Robinson to Mr. Chamberlain.*

(Received 4.15 A.M., 4th January, 1896.)

(ic.)

at the Cape Road, 3rd January.—No. 3. Your telegram of yesterday. The De Wet could not have warned officers, as engagement was so close before warning could reach them. They were, however,

warned by Newton by letter, and the Proclamation had probably been received before the action took place.

Newspaper reports Colonel Grey was in military command of Jamieson's force.

No. 51.—Sir Hercules Robinson to Mr. Chamberlain.

(Received 4.15 A.M., 4th January, 1896.)

(Telegraphic.)

Victoria Road, 3rd January.—No. 4. Your telegram of yesterday No. 3.* I heard report before leaving Cape Town, and Rhodes assured me he had given orders prohibiting such movement. It is reported that the order was given by James[on].

No. 52.—Sir Hercules Robinson to Mr. Chamberlain.

(Received 5.20 A.M., 4th January, 1896.)

(Telegraphic.)

3rd January.—No. 2. I have received following from De Wet:—

Begins: Your Excellency's telegram just received. Everything quiet now, and no further serious disturbances will occur. A deputation from Johannesburg Reform Committee came over last evening, giving a guarantee to keep the peace and order. I waited on President Krüger and informed him of the guarantee. He gave me an assurance that, pending your Excellency's arrival, if the Johannesburg people keep quiet and commit no acts of hostility, or in any way break laws of the country, Johannesburg will not be molested or surrounded by the burgher forces. The deputation was highly grateful for this assurance of his Honour, and pledged the Committee to preserve peace and order. I wired the assurance to the Committee, and I take this early opportunity of testifying in the strongest manner to the great moderation and forbearance of the Government of the South African Republic under the exceptionally trying circumstances. Their attitude towards myself was everything I could wish. The prisoners have just arrived; casualties on their side are said to be severe; on the side of the burghers very slight.

p. 53.—*Sir Hercules Robinson to Mr. Chamberlain.*

(Received 6.41 A.M., 4th January, 1896.)

ic.)

—3rd January. Rhodes came to me yesterday shortly after 11 and stated that he wished to resign, as, in view of Mr. Chamberlain's action, he felt that it was not possible for him to retain the combined positions of Premier and Managing Director of the British South Africa Company.

I told him to retain office till my return, pointing out that the present crisis would postpone my departure.

p. 54.—*Sir Hercules Robinson to Mr. Chamberlain.*

(Received 4th January, 1896.)

ic.)

Port Junction, 3rd January, No. 6. Following just received from British Agent at Pretoria:—

The Wounded of Jameson's force are over thirty; all at Port Junction; attended by doctors and receiving attention, but no particulars as to nature of wounds cannot be given at present. The number of killed estimated at seventy odd, authentic information can be obtained; bodies are still being recovered from the battlefield and buried. Johannesburg Reform Club pledged to keep peace and order. *Ends.*

It is stated in Cape Town papers that Jameson, and Willoughby have been lodged in Pretoria gaol, and that the Coventry were wounded; also stated that prisoners number

p. 55.—*Mr. Chamberlain to Sir Hercules Robinson.*

(Sent 11.45 A.M., 4th January, 1896.)

[*Answered by No. 70.*]

ic.)

January.—No. 1. You had better send Surmon or another to inquire, and state by telegraph, as to allegation that a commando has been collected on Bechuanaland border against the African Republic.

No. 56.—Mr. Chamberlain to Sir Hercules Robinson.
(Sent 1:40 P.M., 4th January, 1896.)

[*Answered by No. 79.*]

(Telegraphic.)

4th January.—No. 2. Could not some prisoner or prisoner be sent to Krügersdorp and Johannesburg to facilitate the work of making lists of killed and wounded? The anxiety is widespread here owing to the uncertainty of so many people as to what prisoners in Africa their relatives were in. Which White is in gaol?

Do you know what are the instructions of the Government of the South African Republic as regards the prisoners, especially the principal ones?

No. 57.—Sir Hercules Robinson (Bloemfontein Station) to Mr. Chamberlain.

(Received 2:45 P.M., 4th January, 1896.)

[*Answered by No. 62.*]

(Telegraphic.)

4th January.—No. 1. Think there is possibility that President of South African Republic may offer to hand over all his prisoners to be dealt with by High Commissioner. Would be glad to hear as soon as possible what your views would be as to disposal of prisoners in such case. Question under consideration is extremely difficult to deal with, but, on the whole, I am disposed to recommend that prisoners should be sent by railway to Natal, which is nearest point where there are British troops. Non-commissioned officers and men should be paid off there, to be discharged and sent to their homes in their own bodies. The whole of expense to fall on British South African Company. The question of how Jameson and the other prisoners should be dealt with seems to me matter for your judgment.

No. 58.—The Officer in Charge, Government House, Cape Town to Mr. Chamberlain.

(Received 3:55 P.M., 4th January, 1896.)

(Telegraphic.)

YOUR telegrams yesterday and to-day.*

Battle was fought at Krügersdorp. Following details in press telegrams:—

There is now no room for doubt that Jameson surrendered to

* Nos. 43 and 48.

es. This took place about 2 o'clock this afternoon, after Jameson had lost no fewer than twenty-eight

attle lasted from 3 in the afternoon until 11 at night. made three principal attacks, and the men distinguished with great gallantry. Position taken up was right- and Boers attacked in the re-entering angle, thus fire both in front and on flank; the Boers much superior to Jameson's column, and position unassailable. Jameson 50 men taken into Krugersdorp as prisoners, and after- to Pretoria. Jameson is not wounded. "Cape Times" states that eighty of Chartered force were killed, amongst Lamb, Davis, Hennessy, Foster, and Ostler. Wounded: ey, Major Coventry, McCracken, McLaughlin, Dreyer, en, Fraser, Hayes, Pattison, Cozalett, Brook, Edgcombe, Fannary, Barnes, Standard, Ewing. Further stated in Johannesburg is quieting down and people disarming. cables only received here this morning, and have been on to High Commissioner.

—*Mr. Chamberlain to Sir Hercules Robinson (Pretoria).*
(Sent 4.55 P.M., 4th January, 1896.)

ic.)
January.—No. 3. I have received your telegram No. 1 of ary* with regard to prisoners; will reply after further ion.

—*Mr. Chamberlain to Sir Hercules Robinson (Pretoria).*
(Sent 6 P.M., 4th January, 1896.)

ic.)
January.—No. 4. Belgium requests assistance of British case of trouble of her nationals. I have answered that nt of South African Republic perfectly able to afford rotection to all in need of it, but British Agent should good offices if and when requisite.

* No. 57.

No. 61.—Mr. Chamberlain to Sir Hercules Robinson.
(Sent 7 P.M., 4th January, 1896.)

(Telegraphic.)

4th January.—No. 5. Referring to my telegram of January, No. 3,* following is translation of message from President South African Republic of 1st January:—

[See No. 26.]

Convey cordial thanks to President South African Republic this message.

No. 62.—Mr. Chamberlain to Sir Hercules Robinson (Pretoria)
(Sent 7:37 P.M., 4th January, 1896.)

(Telegraphic.)

4th January.—No. 6. President Krüger's magnanimity were to offer to hand over the prisoners would be very highly appreciated by me. In such a case I should propose that all should be sent out of the country as you propose, except the ringleaders. If the ringleaders were delivered up they would be indicted and brought to trial in this country; but it is right to point out that this situation might then arise which would be attended with great difficulties. It would be necessary to consider the precise offence which has been committed, and, whatever might be the result of indictment, the trial would evoke expressions of public feeling both one way and the other which would be prolonged, and could hardly fail to have a bad effect; furthermore, the result of the trial could not be certainly anticipated and might not satisfy the interests of justice. These considerations ought, in my opinion, to be fairly submitted to the President. On the other hand, if he were to offer to deliver up the prisoners, I could not decline the offer unless I could be assured by you that, in the event of a trial taking place in the South African Republic, no excessive punishment would be awarded for the offence which has undoubtedly been committed. It might be pointed out by you that the President would furnish a marked instance of generosity if he were to release all the other prisoners; while by dealing mercifully with the ringleaders he would alienate from them the sympathy which they were harshly treated, would undoubtedly be attracted.

* No. 33.

No. 63.—*Sir W. F. Hely-Hutchinson to Mr. Chamberlain.*

(Received 10 P.M., 4th January, 1896.)

phic.)
 January.—Yours of to-day.*
 Jameson and his men are prisoners at Pretoria, having fought
 valiantly and lost heavily. Force opposed to Jameson about
 a strong position.
 British Agent at Pretoria reports that, pending arrival of High
 Commissioner, hostilities will be suspended at Johannesburg, and
 the place will not be invested, provided that the inhabitants are
 peaceful and law-abiding. High Commissioner feels sure that this
 can be relied on. According to latest accounts, all quiet at
 Johannesburg.
 I am going to the Transvaal. Telegram† follows containing excerpts
 from newspaper telegrams, correctness of which I cannot guar-

No. 64.—*Mr. J. H. Hofmeyr (Cape Town) to Mr. Chamberlain.*

Dated 4th January, 1896.

(Received, Colonial Office, 10 P.M., 4th January, 1896.)

[Answered by No. 92.]

phic.)
 Sir,—I thank you for your communication‡ with reference to
 Jameson's inroad into the Transvaal.
 Your emphatic repudiation on behalf of Her Majesty's
 Government of Jameson's action will be appreciated by all right-
 colonists, and tend towards restoring the feeling of mutual
 confidence and of security now completely shattered by that
 unprovoked conspiracy against a friendly State which cul-
 minated in the bloodshed near Krügersdorp, and in which some
 of the highest reputation in British financial and military circles,
 in Her Majesty's service, took an active part, where others
 have winked at it and to have purposely refrained from
 prompt steps to crush the evil thing at its birth.
 I therefore beg that Her Majesty's Government will take into
 serious consideration the question whether the time has not
 come for a regular change in the government of the territories under
 the rule of the British South Africa Company now that such rule
 has proved to be a source of danger to the public peace of South
 Africa and I trust that a searching inquiry will forthwith be
 conducted by them through impartial and energetic men specially

No. 47.

† No. 65.

‡ See No. 20.

U 2

deputed for the purpose to South Africa, into the conception and development of the conspiracy, as well as into the circumstance which made it possible for Dr. Jameson to reach nearly the end of his march before a Proclamation by Her Majesty's High Commissioner was made public in the Transvaal, repudiating the expedition and warning British subjects against countenancing it.

4. So long as the present administrative system and personnel of Rhodesia remain unchanged, reports such as that of the open recruiting of men at Bulawayo and of a contemplated march of the Rhodesia Horse on the Transvaal will obtain wide and disturbing credence.

5. While thanking you for the information that Her Majesty's Government are doing all in their power to counteract the mischief which has been done, I beg to assure you that no efforts shall be wanting on my part to give my co-operation, whatever it may be worth, to the same end, where firmly opposing every filibustering attempt to embroil the various States and Colonies of South Africa. I shall at the same time apply my influence, whenever I can fitly do so, to obtain redress of legitimate grievances and leniency of treatment for the misguided men who have become the victims of heartless and ambitious financial and other schemers.

I remain, Sir, your most obedient servant.—J. H. HOFMEYER.

Postscript.—I regret that, through the High Commissioner's departure for Pretoria, I cannot, without loss of time, forward this communication through him. I am, however, sending him a copy.

No. 65.—Sir W. F. Hely-Hutchinson to Mr. Chamberlain.

(Received 10 P.M., 4th January, 1896.)

(Telegraphic.)

4th January.—Following extracted from press telegrams. Jameson's loss stated at eighty killed, besides wounded. Nine officers and 550 men gone to Pretoria. If original force 800, as reported, this makes total loss 240. Papers give names of six who have been killed and forty wounded. No officers in list of killed. Coventry and Barry reported seriously wounded; Grey slightly; Willoughby untouched. Gone Pretoria. Arrangements for treating wounded reported excellent. Boer loss stated to be three or four killed and a few wounded; but some accounts say that fifteen were knocked off their horses at one volley. No one of note in lists. Newspaper accounts say that on evening of 31st Jameson arrived near Krügersdorp, and next morning attacked Boer position, which was very strong. Was repulsed, and tried to move round by Rand-

Roodeport, but was stopped at Doornkop on afternoon of heavy fighting took place, and, the State artillery having and Jameson being hopelessly outnumbered, and his men some of them having been without food for three days—ed, after suffering considerable loss. The telegrams are and contradictory, and it is difficult to make out a account. All accounts agree that the force was in a state ion, and the horses completely done up. It is further at Bettington went out from Johannesburg, ostensibly to relief, but probably only on patrol, and that thirty of his made prisoners.

topography, refer to map of Southern Transvaal in Hatch ners' "Gold Mines of the Rand."

Commissioner due at Pretoria 8 P.M. this evening.

- Sir *Hercules Robinson (Velptensdrift)* to Mr. Chamberlain.
(Received 10 P.M., 4th January, 1896.)

hic.)

January.—No. 2. Yours to Government House to-day.* able to understand your not hearing from me for thirty-five sent you six cablegrams on 2nd January before leaving rn, and six on 3rd January from different railway stations ad, and one to-day before this one. Am inquiring from Cable Company the number of cablegrams from me to you passed through their office in Cape Town.

7.—*The British South Africa Company to Colonial Office.*

[*Answered by No. 78.*]

*British South Africa Company,
15, St. Swithin's Lane, E.C.,
London, 4th January, 1896.*

desired by the Board of Directors to apply for the approval Secretary of State to the removal by the Company of eson from the position of the Company's Administrator, to the provisions of the Matabeleland Order in Council of

I am, &c.,

HERBERT CANNING, *Secretary.*

* No. 48.

No. 68.—Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.
(Received 4.2 A.M., 5th January, 1896.)

(Telegraphic.)

4th January.—No. 3. Have ascertained from Eastern Cable Company that all my messages to you of 2nd, 3rd, and to-day have gone on. If any have not reached you, I will repeat them.

No. 69.—President Krüger to Mr. Chamberlain.
(Received 9.15 A.M., 5th January, 1896.)

[Answered by No. 71.]

(Telegraphic.)

4th January.—Your Honour's telegram of the 4th instant.* I have given no orders to have the freebooters who have been taken prisoners shot. Their case will in due course be decided strictly according to the traditions of this Republic, and, in sharp contrast to the unheard-of proceedings of these freebooters, there will be no punishment inflicted upon them which is not in accordance with law.

In England so many lying and false reports are disseminated, even by the most influential newspapers, that I deem it advisable to add that the freebooters who have been taken prisoners have been treated by our burghers with the greatest consideration, notwithstanding the fact that they have more than once been forced to take up arms for the defence of the dearly-bought independence of our Republic.

I hope your Honour will kindly pardon the liberty I am taking when I say, in regard to the last part of your telegram, that our confidence in Rhodes has received such a rude shock that his absolute repudiation of the proceedings at Bulawayo ought to be received with the greatest caution. Even now we have news that an armed force is collecting on our borders.

If that be true, I trust that not the word of Rhodes, but the influence of your Government and Sir Hercules Robinson will suffice to prevent further incursions of freebooters, even although it was not successful in enabling the good intentions of the High Commissioner to be carried out in arresting the further advance of Jameson.

Will your Honour, in order to check the further dissemination of lying reports, do us the favour of giving publicity to the contents of this communication?

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*

(Received 12:37 P.M., 5th January, 1896.)

hic.)

January.—No. 1. Referring to your telegram No. 1 of January,* when I heard of the rumour some days ago, I from Newton, who said there was no truth whatever in

No. 71.—*Mr. Chamberlain to President Krüger.*

(Sent 3:30 P.M., 5th January, 1896.)

[*Answered by No. 96.*]

hic.)

Thank your Honour for your message,† which I will publish as is. The press have not given credence to the rumours of cruelty to the prisoners, and for myself, I have always felt in your magnanimity. I have sent an Imperial officer to see that my orders are obeyed, and to prevent the possibility of any further raid, and your Honour may rest confident I will strictly uphold all the obligations of the London Conference of 1884.

No. 72.—*Mr. Chamberlain to Sir Hercules Robinson.*

(Sent 3:30 P.M., 5th January, 1896.)

hic.)

January.—No. 1. Following message sent to President of the South African Republic, in reply to a friendly one from him, dated 1st January, which he will show you:—

[See No. 71.]

No. 73.—*Mr. Chamberlain to Sir Hercules Robinson.*

(Sent 3:50 P.M., 5th January, 1896.)

[*Answered by No. 100.*]

hic.)

January.—No. 2. I have reason to believe that a large number of Jameson's force were men recruited very recently, who formed part of the Bulawayo force nor of the remnant of the Bechuanaland Border Police. Newton should deal with this report.

* No. 55.

† No. 69.

No. 75.—Mr. Chamberlain to Sir Hercules Robinson.

(Sent 5.50 P.M., 5th January, 1896.)

[*Answered by No. 117.*]

(Telegraphic.)

5th January.—No. 4. Send complete list of names and Christian names of all commissioned officers in Her Majesty's regular reserve forces who were with Jameson and took part in the fight, either as officers, or as privates, or as volunteers, in the invaded force. Did the warning reach each of these officers? If not, specify which officers were so warned. Were they told individually that they would be cashiered if disobedient?

No. 76.—Mr. Chamberlain to Sir Hercules Robinson.

(Sent 7 P.M., 5th January, 1896.)

[*Answered by No. 100.*]

(Telegraphic.)

5th January.—No. 5. Call on Newton for full report of circumstances preceding and leading up to Jameson's raid. Where was the force on Sunday? Did the force which surrendered at Krügersdorp all start from Mafeking, or did a part start from Gaberones and then unite? Did Jameson leave any police in Bechuanaland Protectorate, or did he take all available men with him? If so, how was the country being policed, and who is representing the British South Africa Company on the spot? I presume that you have already seen necessity of calling on Newton to account satisfactorily to the public for his failure to know of, or, if he knew of it, to report to you the intended raid. If Newton's explanation unsatisfactory, you must send up some one to make further inquiries. Are there any local officials of Bechuanaland Protectorate or British South Africa Company who can be shown to have had, and to have concealed, knowledge of intended raid? If so, they cannot continue to serve.

No. 77.—Mr. Chamberlain to Sir Hercules Robinson.

(Sent 8.37 P.M., 5th January, 1896.)

[*Answered by No. 82.*]

(Telegraphic.)

5th January.—No. 6. Private individuals are coming here from hour to hour with private letters from relatives, which, when pieced together, give reason for supposing that there may yet be armed bodies of men with artillery which might attempt to retrieve Jameson's disaster from Kimberley or Mafeking. Unless you

that such is impossible, you are authorized to send troops to
 at once, with orders to prevent further filibustering. War
 ending corresponding instructions to Officer Commanding

appears to think that further filibustering is con-
 from Bulawayo. A high military officer should therefore
 burnham as quickly as possible. The Officer Com-
 troops, Mafeking, and the military officer who goes to
 should require, in the Queen's name, the British South
 company's officer to hand over to them the custody for the
 all ordnance and reserve ammunition. Tell Rhodes Her
 Government consider these measures absolutely necessary,
 him to telegraph to his officers to comply with all orders
 ty Commissioner. The British South Africa Company,
 to have no control over their officers, are interested as
 er Majesty's Government in averting any further head-
 on.

— *Colonial Office to the British South Africa Company.*

Colonial Office, 5th January, 1896.

directed by Mr. Chamberlain to state that he approves
 posed removal by the British South Africa Company
 eson from the position of the Company's Administrator,
 the provisions of the Matabeleland Order in Council of

I am, &c.,

W. H. MERCER.

— *Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*

(Received 1.9 A.M., 6th January, 1896.)

c.)

uary.—No. 2. Your telegram 4th January, No. 2.*
 t of South African Republic are making every effort
 etailed list of killed and wounded and missing, but, owing
 manner in which Jameson started, and the want of pre-
 arrangements, it does not appear that the names of all
 d with him are known. I have been promised a list
 s and wounded, and of such of the killed as have been
 Two small parties who escaped at the time of surrender
 een captured, and it is believed that there are more still
 nd three or four are supposed to have got through to

* No. 56.

Johannesburg. I have asked for pass for my Military Secretary to Krügersdorp to visit wounded and obtain all information possible but have been informed that it must be referred to Executive so fear he will not be [? able] to go before to-morrow night. Commandant-General reports that Honourable C. Coventry has died of wounds. Following list of names of officers who are prisoners here :—

Begins : Jameson, Willoughby, Colonel Honourable H. White. Majors Stracey, Honourable R. White, Villiers, Crosse, Heany. Captains Bodle, Holden, Gosling, Foley, Munro, Kincaid-Smith. Lieutenants Grenfell, Coope, Scott.

Sub-Lieutenants Wood, Howe, Macqueen.

Surgeon [? Lahsee].

Dr. Farmer.

Inspectors Stracer, Dykes, Drury, Bourden.

Sub-Inspectors Musters, Casatel, Chawner, Tomlinson, Williams Murray, Constable, Spain.

None of these are hurt. This does not include wounded officers at Krügersdorp, whose names I hope to get in course of day.

No. 80.—Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.

(Received 1.8 A.M., 6th January, 1896.)

(Telegraphic.)

5th January.—No. 3. Arrived here last night. Position of affairs very critical on side of Government of South African Republic and of Orange Free State. There is desire to show moderation, but Boers show tendency to get out of hand, and to demand execution of Jameson. I am told that Government of South African Republic will demand disarmament of Johannesburg as a condition precedent to negotiations. Their military preparations are now practically complete, and Johannesburg, if besieged, could not hold out, as they are short of water and coal. On side of Johannesburg, leaders desire to be moderate, but men make safety of Jameson and concession of items in manifesto issued conditions precedent to disarmament. If these are refused, they assert they will elect their own leaders and fight it out in their own way. As the matter now stands, I see great difficulty in avoiding civil war, but I will do my best, and telegraph result of my official interview to-morrow. It is said that President of South African Republic intends to make some demands with respect to Article No. IV of the London Convention of 1884.

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*

(Received 1·9 A.M., 6th January, 1896.)

(c.)

uary.—No. 4. C. J. Rhodes telegraphs to me that he present position of affairs so strained that he thinks I must accept his resignation. His colleagues in the Ministry, I believe, are all of the same opinion. Acting on suggestions from the Government, I have invited Sir Gordon Sprigg to undertake task of forming a new Ministry.

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*

(Received 12·5 P.M., 6th January, 1896.)

(c.)

uary.—No. 1. Your telegram 5th January, No. 6.* I consider it quite impossible that there can be any movement of armed forces or artillery from either Kimberley or Mafeking. As to the possibility of a movement from that quarter, I do not now anticipate any movement from that quarter, and I have ordered Jameson's life be forfeited. I will, however, instruct the Officer Commanding to send military officer as you

3.—*Sir W. F. Hely-Hutchinson to Mr. Chamberlain.*

(Received 12·45 noon, 6th January, 1896.)

(c.)

account from Johannesburg states that Jameson's force killed is 130, and the wounded are thirty-seven. Boers' force killed is three, and the wounded are five. I am informed by the Press telegrams and private telegrams from Johannesburg that the Government of South African Republic, and many

Proclamations 2nd and 4th January drawing attention to the Proclamation No. 21, 1875, and notifying that it would be enforced in Zululand respectively.

0. 84.—*Mr. Chamberlain to Sir Hercules Robinson.*

(Sent 2·30 P.M., 6th January, 1896.)

[Answered by No. 93.]

(c.)

uary.—No. 2. Referring to my telegram of 5th January, I consider there be smallest danger of Kimberley Volunteer Corps

* No. 77.

giving assistance to Johannesburg, you are to send troops Mafeking or other desirable point, as it must be prevented equally with movements referred to in my telegram above mentioned.

No. 85.—Mr. Chamberlain to Sir Hercules Robinson.

(Sent 6.20 P.M., 6th January, 1896.)

[*Answered by No. 98.*]

(Telegraphic.)

6th January.—No. 3. It is reported in the press telegrams that the President of the South African Republic on the 30th December has put out definite hopes that concessions would be proposed in regard to education and the franchise. No overt act of hostility appears to have been committed by the Johannesburg people since the overthrow of Jameson. The statement that arms and ammunition were stored in that town in large quantities may be only one of many boasts without foundation. Under these circumstances, any measures against the town do not seem to be urgently required at the present moment, and I hope no step will be taken by the President of the South African Republic liable to cause more bloodshed and excite civil war in the Republic.

No. 86.—Mr. Chamberlain to Sir Hercules Robinson.

(Sent 6.45 P.M., 6th January, 1896.)

[*Answered by No. 121.*]

(Telegraphic.)

6th January.—No. 4. The question is being asked here in many quarters whether the Colonial Office and the High Commissioner knew of the unusual concentration of stores and arms on the borders of the South African Republic, and, if so, why they did not stop it.

It was known to me that men were required to guard the railway and also that the British Bechuanaland Police came to Mafeking for the purpose of being selected and engaged by the British South Africa Company; but I do not know that Dr. Jameson was engaging other new men, or that three additional troops had been brought from Bulawayo under the Honourable — White, who reached Pitsani about 13th December. Did President Kruger know of this concentration, and, if so, why did he not ask for your interference?

I should be glad if you could send me any additional information which would throw light on these points.

—*Officer in Charge, Government House (Cape Town) to
Mr. Chamberlain.*

(Received 9 P.M., 6th January, 1896.)

ic.)

January. Referring to your telegram 4th January,*
is further list of casualties as reported in "Cape

nal names seriously wounded: T. R. Fynn, Captain
Barry, Dormer, Macfarlane, Fyrie, L. H. Stapelton,
M. R. Payne, H. C. Gibbs, N. Moreland.

y wounded: N. Brown, F. W. Williams, T. W. Spalding,
P. A. Barry, Stuart Bruce, F. Nixon, Corporal Beadon,
wn, Junior Wilson, B. R. Philbuck.

rd was mortally wounded, Major Coventry was shot in
Colonel Grey was shot in the foot; Captain Lindal,
ead, is alive and well.

Following officers of Jameson's column are prisoners:—
s Sir John Willoughby and H. F. White, Dr. Jameson,
rmer.

Stracey, White, Villiers, Crosse, Heany.

s Odle, Holden, Gosling, Foley, Munro, Kincaid-Smith.

ants Coope and Grenfell.

utenants Wood, Hare, McQuer.

ors Strater, Dykes, Drury, and Bowden.

spectors Masters, Casatel, Channer, Tomlinson, Williams,
onstable, and Sprain.

ary Surgeon Lakia.

ant H. F. Scott.

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*

(Received 11.30 P.M., 6th January, 1896.)

ic.)

January.—No. 3. Following prisoners in hospital here,
tly wounded or suffering from fever and dysentery; none
be in danger of fatal result:—

Cogan, Richard Brown, Tom Willows, William Law,
owe, Arthur Paul, William Mackadam, Acton Henry
rry Steer, Cecil Maloney, Frederick Walker Garlick.

No. 89.—Sir Hercules Robinson (Pretoria) to Mr. Chamberlain
(Received 12.45 A.M., 7th January, 1896.)

(Telegraphic.)

6th January.—No. 2. Met President South African Republic and Executive Council to-day. Before opening proceedings expressed on behalf of Her Majesty's Government my sincere regret at the unwarrantable raid made by Jameson; also thanked Government of South African Republic for the moderation shown in trying circumstances. With regard to Johannesburg, President of South African Republic announced decision of Government that Johannesburg must lay down its arms unconditionally without precedent to any discussion and consideration of grievances. endeavoured to obtain some indication of the steps which would be taken in the event of disarmament but without success, it was intimated that Government of South African Republic had no more to say on this subject than had been already embodied in Proclamation of President of South African Republic. I inquired whether any decision had been come to as regards disposition of prisoners and received a reply in the negative. President of South African Republic said that, as his burghers to number of 8,000 had been collected and could not be asked to remain indefinitely, they must request a reply, yes or no, to this ultimatum within two or four hours. I have communicated decision of Government of South African Republic to Reform Committee at Johannesburg through British Agent in South African Republic.

The burgher levies are in such an excited state over the invasion of their country that I believe President of South African Republic could not control them except in the event of unconditional surrender. I have privately recommended them to accept the ultimatum. Proclamation of President of South African Republic refers to promise to consider all grievances which are properly submitted, and to lay the same before the Legislature without delay.

No. 90.—Sir Hercules Robinson (Pretoria) to Mr. Chamberlain
(Received 3.40 A.M., 7th January, 1896.)

(Telegraphic.)

6th January.—No. 4. Having communicated your telegram of 5th January,* No. 6, to British South Africa Company, I have received following reply:—

Begins: There is no truth in any such statements. As regards

* No. 77.

and Mafeking, its absurdity is its best refutation. As
 Disbury and Bulawayo, I have wired as follows:—

ices: I am desired by High Commissioner to request you,
 een's name, to comply with the following instructions,
 are to call upon the officers in the Company's service in
 ordnance and reserve ammunition to hand it over for the
 the custody of an officer now being sent to Bulawayo for
 use by Her Majesty's Government. *Ends.*

ays ago orders were sent to Acting Administrator and to
 missioner, Bulawayo, calling upon all citizens to maintain
 order, and to abstain from any movement. These orders
 faithfully obeyed by the inhabitants of Rhodesia, who are
 r the control of their officers. I should be glad, therefore,
 ld inform Secretary of State for the Colonies of this, as it
 at: the feeling of suspense and excitement will be allayed
 e and especially in Rhodesia the moment it is known
 on and his companions have been released. Kindly
 ge receipt of this wire. *Ends.*

—*Mr. Chamberlain to Sir Hercules Robinson (Pretoria).*
 (Sent 1:20 P.M., 7th January, 1896.)

[*Answered by No. 105.*]

ic.)

January.—No. 1. I approve of your advice to Johannes-
 burger will be wise not to proceed to extremities at
 burg or elsewhere; otherwise the evil animosities already
 y be dangerously excited.

*Mr. Chamberlain to Officer in Charge, Government House,
 Cape Town.*

(Sent 1:35 P.M., 7th January, 1896.)

ic.)

EX following message to J. H. Hofmeyr:—

Thanks for letter and offer of co-operation for common
 ich I cordially accept.

shall be full inquiry into the circumstances of the late
 Transvaal territory, and steps will be taken to make
 ble for such attempts to be planned or executed in

sent chief object is to prevent further embitterment of
 between British and Dutch which might result from
 measures against either Johannesburg or prisoners.

Please telegraph this to High Commissioner to save time, and publish.—J. CHAMBERLAIN. *Ends.*

No. 93.—Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.
(Received 4.45 P.M., 7th January, 1896.)

[*Answered by No. 97.*]

(Telegraphic.)

7th January.—No. 1. Your telegram of the 6th January No. 2.* It would be most inexpedient to send troops to Mafeking at this moment, and there is not the slightest necessity for such a step, as there is no danger from Kimberley Volunteer Corps or from Mafeking.

I have sent De Wet with ultimatum this morning to Johannesburg, and believe arms will be laid down unconditionally. I understand in such case Jameson and all prisoners will be handed over to me.

Prospect now very hopeful if no injudicious steps are taken. Please leave matter in my hands.

No. 95.—Mr. Chamberlain to Sir Hercules Robinson.
(Sent 6.45 P.M., 7th January, 1896.)

(Telegraphic.)

7th January.—No. 2. Application has been made 4th January by British South Africa Company for removal of Jameson from his post of Administrator under Order in Council of 1894. I have approved 5th January.

As I understand, no one has been yet formally appointed as successor, but that another officer is acting in Matabeleland. You should make special temporary provision as to Montsioa's and Lenchwe's country, which Jameson's imprisonment has left without an Administrator.

No. 96.—President Krüger to Mr. Chamberlain.
(Received 7 P.M., 7th January, 1896.)

(Telegraphic.)

(Translation.)

7th January, 1896. Your Excellency's telegram 5th January† received. Thank you for your confidence. I consider it the first duty of this Government to restore peace and order. With regard

part of your telegram about the Convention, this Government hoped that it would never have been violated.

No. 97.—*Mr. Chamberlain to Sir Hercules Robinson.*

(Sent 7th January, 1896.)

ic.)

January.—No. 8. Your telegram of 7th January, No. 1.* War Office troops for Mafeking will not be required. I ready to leave matter in your hands.

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*

(Received 11 P.M., 7th January, 1896.)

ic.)

January.—No. 8. Your telegram No. 3 of 6th January.† I now only say that I have just received a message from Committee resolving to comply with demand of Government of South African Republic to lay down their arms; the Johannesburg placing themselves [? and] their interests wholly in my hands in the fullest confidence that I will see justice to them. I have received also the following from President:—

7th January. I have sent the following telegram to his Excellency the President:—

I have met the Reform Committee. Am gratified with what has been shown in the discussion of the all-important present question. The Committee handed me the following Resolution:—The Reform Committee in Johannesburg, having seriously considered the ultimatum of the Government of the South African Republic communicated [?] to them through Her Majesty's Agent in Pretoria, in a telegram, dated 6th instant, to the effect that the Government must lay down its arms as a condition precedent to a consideration of grievances, have unanimously decided to accede to this demand, and have given instructions to the forces employed by this Committee for maintaining good order to lay down their arms. In coming to this determination the Committee are upon the Government that I [it ?] will maintain law and protect life and property in this town at this critical juncture. The Committee have been actuated by a paramount consideration of everything possible to insure the safety of Dr. Jameson, to advance the amicable discussion of terms of settlement, and to support the Government, and to support the High Commissioner

* No. 93.

† No. 85.

in his efforts in this respect. The Committee would draw attention of the Government of the Republic to the presence armed burgher forces in the immediate vicinity of this town, would earnestly desire that these forces be removed in order to avoid all risk of any disturbance of the public peace. *Resolves.* I wish to add to my above remarks that I feel convinced there will be no further difficulty in connection with the laying down of their arms. I would suggest that the Government co-operate with the Reform Committee for a day or two for the purpose of restoring the town to its normal state. This will not take a day or two, and those who are excited among the people will by that time have calmed down and the police can resume their ordinary duties. The Committee will co-operate in this matter. This course will very much facilitate the task of your Government if it meets with your approval. *Ends.*

I hope now to be able to confer with President of the South African Republic and Executive Council as to prisoners and the redress of Johannesburg grievances.

No. 99.—Sir Hercules Robinson (Pretoria) to Mr. Chamberlain
(Received 11.40 P.M., 7th January, 1896.)

(Telegraphic.)

7th January.—No. 5. I have received telegram from chairman of a mass meeting held at Bulawayo yesterday announcing that a resolution was passed unanimously praying me to exert all my influence to obtain honourable release of Jameson and his men, and that this matter overriding every other consideration, and assuring me of their loyal obedience to my Proclamation; also similar telegram from Chamber of Mines, Bulawayo. I think it certain that there is now no danger from that quarter.

No. 100.—Sir Hercules Robinson (Pretoria) to Mr. Chamberlain
(Received 12.25 A.M., 8th January, 1896.)

(Telegraphic.)

7th January.—No. 4. Having communicated to Newton my telegrams Nos. 2 and 5 of 5th January,* I have received reply from him as follows:—

Begins: 7th. Your Excellency's No. 3 of 6th. In reply to Secretary of State's first, I will obtain particulars as to the numbers of recruits Bulawayo contingent of Company force.

* Nos. 73 and 76.

secretary of State's second, I was absent from Bechuana-
 protectorate for nearly a fortnight previous to event mentioned.
 at Mafeking on the Sunday, and heard that day only after
 telegraph was closed, that the force was going to leave that
 the wire was cut that night, and the first message that got
 on Monday was that from your Excellency directing me to
 Dr. Jameson telling him and his force to return. About
 only of the force which surrendered started from Mafeking
 the Colony. The other four-fifths started from a camp at
 Mafeking in Company's new territory. No portion of the
 force came from Bechuanaland Protectorate. Dr. Jameson left
 and two men and eight six [sick ?] men at Pitsani. He
 have taken all available men with him. There are now
 the Bechuanaland Border Police in the whole Bechuana-
 protectorate, four of whom are doing customs duty. The
 country is practically unpoliced. There is no representative
 in Mafeking. Captain Ellis is in charge of camp at
 There is now no Magistrate in the Company's new
 I have no reason to believe that any of the local officials
 Bechuanaland Protectorate had any knowledge of intended raid.
 I know, there was only one local official of Company in
 protectorate, viz., the Magistrate, and he left with the
 force. I am forwarding explanation to your Excellency
 as desired. *Ends.*

Nothing appeared quiet at the time, Newton came down at
 on to confer on establishment of reduced Protectorate.
 think absence of police at this moment will cause any
 and if assistance is required it can always be obtained from
 at Mafeking.

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*

(Received 9.55 A.M., 8th January, 1896.)

(ic.)

January.—No. 6. General Officer Commanding telegraphed
 yesterday that he was sending one company of 1st Battalion
 to Mafeking to assist high military officer sent up to
 of Company's ordnance and reserve ammunition. I at
 telegraphed that such a step was unnecessary and might be
 understood, and movement was countermanded; but rumour
 reached Vryburg and caused Boers to collect with a
 destroy railway. I accordingly sent General Officer Com-
 this morning following telegram :—

: Rumour of your order for one company to proceed to

Mafeking has already caused uneasiness, and I must request that until present crisis is over, you will not issue orders for the movement of any troops outside the Cape Peninsula without first consulting me.

No. 102.—Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.
(Received 10:35 A.M., 8th January, 1896.)

(Telegraphic.)

7th January.—No. 7. Johannesburg surrendered unconditional this afternoon, and arms were given up. President of the South African Republic has intimated his intention to hand over James and the other prisoners to High Commissioner on the border Natal. You may therefore feel satisfied that the crisis is over, and that all danger of further hostilities is at an end.

No. 103.—Mr. Chamberlain to Sir Hercules Robinson.
(Sent 2 P.M., 8th January, 1896.)

[Answered by No. 148.]

(Telegraphic.)

8th January.—No. 1. Should you require assistance, do not hesitate to ask for it from whatever quarter you think best.

Pending fuller recognition of your services, I heartily congratulate you on result of your intervention hitherto.

No. 104.—Mr. Chamberlain to Sir Hercules Robinson.
(Sent 4:50 P.M., 8th January, 1896.)

(Telegraphic.)

8th January.—No. 3. Give the following message to the President of the South African Republic from me:—

“I have received the Queen’s commands to acquaint you that Her Majesty has heard with satisfaction that you have decided to hand over the prisoners to Her Government.

“This act will redound to the credit of your Honour, and will conduce to the peace of South Africa and to that harmonious co-operation of the British and Dutch races which is necessary for its future development and prosperity.”

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*

(Received 5.30 P.M., 8th January, 1896.)

c.)

uary.—No. 1. Referring to your telegram of the 7th
1.* I consider that so far throughout this matter
behaved very well. He suspended hostilities pending
when Johannesburg was at his mercy; and, in opposition
general feeling of the Executive Council and of the
no have been clamouring for Jameson's life, he has now
to hand over Jameson and the other prisoners. If
d been tried here, there can be no doubt that he would
shot and perhaps some of his colleagues also. The
of the public is now calmed down.

try to-day to make arrangements with Krüger as to
the prisoners, and I will confer with him as to
the grievances of the residents of Johannesburg on the
r telegram of the 4th instant.† I have given Krüger a
telegram.

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*

(Received 7 P.M., 8th January, 1896.)

c.)

uary.—No. 2. Honourable Charles Coventry is not dead
in my telegram No. 2 of 5th January.‡ Doctor at
p telegraphs this morning as follows:—

Captain Coventry is alive and out of any danger, is very
flesh-wound through back, spine not injured. *Ends.*

form his relations.

morning wire to Krügersdorp was not open; hope to get
Secretary through to go there this afternoon.

—*The British South Africa Company to Colonial Office.*

(Received 9th January, 1896.)

[*Answered by No. 145.*]

15, St. Swithin's Lane, London, E.C.,
January 9, 1896.

ected by the Board of Directors to inclose, to be sub-
r. Secretary Chamberlain, a copy of a Resolution passed
Board meeting held on the 7th instant, and to express

91.

† No. 62.

‡ No. 79.

the hope that Mr. Chamberlain will see his way to comply with the request contained in the Resolution.

An urgent cable has been sent to Mr. Rhodes requesting him to come home at once.

I am, &c.,

HERBERT CANNING, *Secretary*

(*Inclosure.*)—*Resolution.*

It was resolved that the Board of Directors request Her Majesty's Government to institute an inquiry, with authority to call for papers and examine witnesses on oath, into the circumstances under which Dr. Jameson burst into the South African Republic, as stated in the letter to the Company from Mr. Secretary Chamberlain of the 31st December, 1895.

No. 108.—Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.

(Received 1 P.M., 9th January, 1896.)

[*Answered by No. 113.*]

(Telegraphic.)

8th January.—No. 3. Since my telegram No. 1 of this morning,* matters have not been going so smoothly. When the Executive Council met I received a message that only 1,814 rifles and three Maxim guns had been surrendered, which the Government of the South African Republic did not consider a fulfilment of the ultimatum, and orders would be immediately issued to a commando to attack Johannesburg. I at once replied that the ultimatum required the surrender of guns and ammunition for which no permit of importation had been obtained, and that onus rested with Transvaal Government to show that guns and ammunition were concealed for which no permit had been issued. If before this was done any hostile step were taken against Johannesburg, I should consider it to be a violation of the undertaking for which I had made myself personally responsible to the people of Johannesburg, and I should leave the issue in hands of Her Majesty's Government. This had a sobering effect, and the order for the attack on Johannesburg was countermanded, and it was arranged that the Transvaal officials should accompany Her Majesty's Agent to Johannesburg and point out to him, if they could, where arms were concealed. Her Majesty's Agent left at 1 P.M. to-day for Johannesburg for this purpose.

* No. 106.

planation of the change, I take it, is that Krüger has ulties to contend with among his own people. The object is to prove that people of Johannesburg have not the conditions which were to precede the handing over of arms and consideration of grievances. I should not be, before releasing the prisoners or redressing grievances, were now made to extort an alteration of the London Convention of 1884, and the abrogation of Article No. IV of that Convention. I intend, if I find that the Johannesburg people have fully complied with the ultimatum, to insist on the fulfilment of the same as regards prisoners and consideration of grievances, and now at this stage the introduction of any fresh conditions to the London Convention of 1884. Do you approve?

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*
(Received 1.15 p.m., 9th January, 1896.)

(ic.)

January.—No. 4. Following telegram from Acting Administrator of Bechuanaland, received this evening:—

8th January. While the public of Rhodesia naturally sympathise personally for Dr. Jameson and his men, they are under the control of local Administration, and are loyally obeying the Government and my notice requiring strict neutrality, and are under the instructions, of those of Board of Directors, and of the representatives of Company. There is absolutely no ground for any rumours of hostile movement in Rhodesia against the South African Republic. I urgently request your Excellency to inform the Secretary of State for the Colonies of these facts by cable.

Well, I am sure, consider this very satisfactory.

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*
(Received 1.17 p.m., 9th January, 1896.)

(ic.)

January.—No. 1. Referring to my telegram of 8th January, I now learn that yesterday's hitch was due to previous misunderstanding of the Uitlanders themselves, who had stated they had overthrown the Boers, with cannon. When, therefore, only 1,800 rifles were sent, and no cannon, the Boers thought the Uitlanders were without faith, and threatened to get out of hand. They have,

however, been restrained by President of South African Republic and I believe it will to-day be admitted by Government that Johannesburg has practically complied with ultimatum.

No. 111.—Sir Hercules Robinson to Mr. Chamberlain.
(Received 5.20 P.M., 9th January, 1896.)

(Telegraphic.)

9th January.—No. 2. Your telegram of 8th January, No. 3.* I have communicated your message to President of South African Republic.

No. 112.—Mr. Chamberlain to Sir Hercules Robinson.
(Sent 5.50 P.M., 9th January, 1896.)

[Answered by No. 121.]

(Telegraphic.)

9th January, No. 1. Referring to my telegrams No. 4 of the 5th January, No. 4 of the 6th January, Nos. 2 and 5 of the 5th January,† please let me have by afternoon of Friday, the 10th January, all information asked for which has not been already supplied by Newton in his telegram of the 7th January.‡ I presume you have been collecting it.

Further please say: Did the officers and men know for what purpose they were assembled? What was the strength of the force which came down from Matabeleland in October to occupy Ikaning and Montsiosa's district? Did they have ordnance? Did they remain in Ikaning's country, or did they concentrate at Pitsani Potlogo? If so, did you know of it? I presume you knew nothing of the Honourable — White bringing down three fresh troops in the middle of December. What was strength of Company's force in Protectorate on, say, the 1st December, and what additions were afterwards made by recruiting or fresh arrivals from Matabeleland other than Bechuanaland Border Police taken over? Authorize Newton to telegraph any facts to me direct, as time is all important.

No. 113.—Mr. Chamberlain to Sir Hercules Robinson.
(Sent 6.45 P.M., 9th January, 1896.)

(Telegraphic.)

9th January.—No. 2. Referring to the latter part of your telegram of the 8th January, No. 3,§ I approve of your declining to

* No. 104.

† Nos. 73, 75, 76, and 86.

‡ See No. 100.

§ No. 108.

tion of modifying Article No. IV of the London Con-
any stage of your discussions with President of South
public.

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*

(Received 11:30 P.M., 9th January, 1896.)

(c.)

January.—No. 5. Referring to my telegram of to-day,
have received following from President South African

I have the honour to acknowledge the receipt of your
s letter of to-day, with copy inclosed therein of a
ceived by your Excellency from the Secretary of State
Colonies, requesting your Excellency, by command of Her
e Queen, to inform me of a message in which Her
presses her satisfaction at my decision to hand over the
o Her Majesty's Government. As I had already caused
lency [to ?] be informed, it is really my intention to act
e so that Dr. Jameson and the British subjects who were
command may then be punished by Her Majesty's
t, and I will make known to your Excellency the final
this matter as soon as Johannesburg shall have reverted
ion of quietness and order. In the meantime I have to
ur Excellency to assure Her Majesty the Queen of my
iation of her words, and, in proffering her my respectful
s, to express my thanks for the same.—S. J. P. KRÜGER,
dent. *Ends.*

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*

(Received 11:30 P.M., 9th January, 1896.)

(c.)

January.—No. 6. Your telegram of 5th January, No. 4.†
officers of Her Majesty's Regular and Reserve Forces
Jameson:—

n Willoughby, Royal Horse Guards; Honourable Harry
Grenadier Guards; Raleigh Grey, 6th Dragoons;
e Robert White, Welsh Fusiliers; J. B. Stracey, 1st
ds; C. H. Villiers, Royal Horse Guards; H. Grenfell,
uards; J. K. Kincaid-Smith, Royal Artillery; Honourable

* No. 111.

† No. 75.

Charles Coventry, 3rd battalion of Worcestershire Regiment.
Charles Monro, 3rd battalion of Seaforth Highlanders.

Newton reports that covering letters with copies of my telegram directing the force to return were addressed to Jameson, Willoughby Coventry, and Monro. There was no time to write to all, nor did he know their names; therefore in the letter to Willoughby, who was in command of the force, he inserted request that he would circulate my telegram amongst all his officers. Sergeant White delivered all the letters to Colonel Grey, and brought back verbal message that the letters had been received [?] and would be attended to. My message warning all officers that they would be cashiered, which British Agent South African Republic was to have delivered, never reached them, as fighting had commenced before they could be sent.

No. 118.—Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.
(Received 2.15 A.M., 10th January, 1896.)

(Telegraphic.)

9th January.—No. 7. Government of South African Republic have issued a Proclamation granting a general amnesty to all in Johannesburg, with the exception of the leaders, who may lay down their arms before 6 o'clock on Friday, 10th January.

No. 119.—Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.
(Received 2.15 A.M., 10th January, 1896.)

[*Answered by No. 124.*]

(Telegraphic.)

9th January.—No. 3. I expect that to-morrow or next day President of South African Republic will intimate his readiness to hand over all prisoners to me at the Natal border, and will inquire how Her Majesty's Government propose to deal with them. I should be glad to receive, therefore, as soon as possible, an expression of your views on the subject. My idea is that Jameson and all commissioned officers of Her Majesty's Regular Forces and Reserve Forces, to about the number of ten, should be sent from Durban to England as prisoners in a man-of-war, to be there dealt with as Her Majesty's Government may decide. That the junior police officers and non-commissioned officers and men, to about the number of 400, should be sent to some place in Natal, probably Charlestown, to be placed there under military escort, until paid off in detachments [of men] of twenty men at a time, sent to their

an undemonstrative manner. Details as to mode of accommodation in Natal, conveyance through, and on from that Colony, I would settle with Governor Natal Officer Commanding, the former of whom I propose to the consent of President of South African Republic, to meet and confer with me on the subject. It will be easy to let Jameson and his party should proceed to Durban from here by special train, embarking at daylight some morning at once.

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*
(Received 3.25 P.M., 10th January, 1896.)

ic.)

January.—No. 1. 8 o'clock A.M. Your telegram 9th received. I knew nothing personally of unusual concentrations and stores on Transvaal border except as follows: Mafeking's and Montsiosa's districts were transferred to British South Africa Company, I heard that Company were bringing down troops from Bulawayo to Pitsani. I asked Mr. Rhodes why this was being done and he told me it was to protect railway line and that troops could be kept there at half the expense. I heard that this force had ordnance. Bechuanaland Border Police were ordered to concentrate at Mafeking to carry out the arrangements for their transfer to British South Africa Company, as you in London. I know nothing of White bringing down troops in middle of December. I do not know strength of British South Africa Company's force on 1st of December or what arrangements were afterwards made by recruiting of [? or] fresh troops from Matabeleland other than Bechuanaland Border Police, but will telegraph to Newton to ascertain and let you direct.

Total strength of Jameson's force was 510. Of these, 200 were from Bechuanaland Border Police. I am told that the officers and men did not know for what purpose they were sent, nor the destination of the raid until they entered the country, it being stated that the object was to punish a native chief Mankwe. The secret seems to have been well kept. The President of South African Republic apparently did not know of the expedition and did not ask me to interfere.

No. 123.—Mr. Chamberlain to Sir Hercules Robinson.

(Sent 5.10 P.M., 10th January, 1896.)

[*Answered by No. 139.*]

(Telegraphic.)

10th January.—No. 1. What is exact position of Pitsani Potlogo? If close to Pitsani, give number of miles distant and compass bearing; if elsewhere, give latitude and longitude.

Where did Jameson himself start from? If from Protectorate, did he cross any portion of British territory before entering South African Republic? Some of the names among the wounded and prisoners are said to be those of Kimberley Mounted Police. If so, supply full explanations. Also report whether ex-members of Bechuanaland Border Police were ordered by Jameson to join him or advanced on their own account.

No. 124.—Mr. Chamberlain to Sir Hercules Robinson.

(Sent 6.35 P.M., 10th January, 1896.)

(Telegraphic.)

10th January.—No. 2. Tell President South African Republic that, in accordance with my telegram to you of the 4th January, No. 6,* the leaders will be dealt with on arrival here.

I approve your proposals contained in your telegram No. 3, 9th January,† but before taking delivery of prisoners you should get promise of Jameson and other leaders that they will proceed through Natal to England as prisoners to be dealt with as Her Majesty's Government may decide, without raising any questions as to custody while on the way. If other civilian prisoners have taken any prominent part in organizing or directing the raid they should be joined with Jameson and sent home under similar conditions.

No. 125.—Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.

(Received 6.45 P.M., 10th January, 1896.)

[*Answered by No. 132.*]

(Telegraphic.)

10th January. — No. 2. Most urgent. After refusing for several days to allow me to make necessary arrangements on border of Natal for reception of prisoners, Government of South African Republic this morning have sent to me to say that they desire the prisoners to proceed at once to Volksrust on the border of Natal,

* No. 62.

† No. 119.

they wish me to take them over at the earliest possible
 I have telegraphed for Governor of Natal and General
 me here by special train to make necessary arrangements ;
 serious difficulty has arisen about which I must ask for
 instructions. President of South African Republic says
 the decision of Executive Council that the whole of the
 except Transvaal and Orange Free State subjects, whom
 s, should be sent to England to be tried according to
 w. It has been pointed out that it was only contemplated
 the officers for trial, to which he replied, in such case
 question must be reconsidered. I should like to have the
 f Her Majesty's Government as to how the prisoners will
 with if handed over. It is the opinion of Sir Jacobus
 and Sir Graham Bower, who were present at the interview
 ing, that if the whole be not sent home to be dealt with
 to English law they will be tried here, with a result which
 be deplorable.

3.—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*
 (Received 10.45 P.M., 10th January, 1896.)

hic.)
 January.—No. 3. Following telegram received from
 am, Bulawayo :—
 : 9th January. Have seen Napier and Spreckley, as well
 leading inhabitants of Bulawayo. Everything here is
 quiet at present. When the first news of Dr. Jameson's
 t in Transvaal Republic was received here, 1,000 men were
 y to proceed to his assistance at a moment's notice, and
 t was undoubtedly high here as in other parts of South
 Subsequently the chief feeling appears to have been one of
 or the personal safety of Dr. Jameson ; but, this having
 ured, the excitement has very much abated, and I do not
 here is more here than in Cape Town. There is not, in my
 ny fear whatever that men will leave Bulawayo at present
 vaal Republic, and the members of the Volunteer Force
 returned to their previous vocations. The inhabitants I
 loyally and willingly obeying his Excellency's instructions,
 e apart from this, I think they see the futility of any
 g to interfere now with the course of events. *Ends.*
 k Ashburnham might now return to his post.

No. 128.—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain*
(Received 7-30 A.M., 11th January, 1896.)

(Telegraphic.)

10th January.—No. 4. In Proclamation issued to-day, President of the South African Republic addresses inhabitants of Johannesburg, after reviewing recent events proceeds as follows:—

Now I address you with full confidence [? words omitted] strengthen the hands of the Government and work together with them to make this Republic a country where all inhabitants may, to say, live fraternally together. For months and months I have thought which alterations and amendations would be desirable in the Government of this State, but the unwarrantable instigations especially of the press, have kept me back. The same men who appear in public as the leaders have demanded amendments from the Government in a time and manner which they should not have dared to do in their own country out of fear of the penal law. Through this it was made impossible to me and my burghers, the founders of the Republic, to take your proposals into consideration. It is my intention to submit a draft Law at the first ordinary Session of the Volksraad, whereby a Municipality with a Mayor at its head will be appointed for Johannesburg, to whom the whole Municipal Government of this town will be intrusted. According to all constitutional principles such a Municipal Council should be appointed by the free election of the inhabitants. I ask you earnestly with your hands upon your heart to answer me this question: Dare I and should I after all that has happened propose such to the Volksraad? What my answer to this question is, I know that there are thousands in Johannesburg to whom I can with confidence intrust this right of vote in municipal matters. Inhabitants of Johannesburg may say it is not possible for the Government to appear before the Volksraad with the motto "Forget and forgive."

S. J. P. KRÜGER, *State President*

No. 129.—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain*
(Received 7-10 A.M., 11th January, 1896.)

[Answered by No. 132.]

(Telegraphic.)

10th January.—No. 5. Since my telegram of this morning, No. 2* I have received following letter from Government of the South African Republic:—

Begins: With reference to his Honour the State President

* No. 125.

your Excellency of yesterday's date in which his Honour
 has given his intentions later on to acquaint your Excellency with
 a regarding Dr. Jameson, his officers and men, subjects of
 Her Britannic Majesty, I am now directed by his Honour and the
 Council to acquaint your Excellency with the following :
 on with his officers and men, subjects of Her Britannic
 Majesty, under the escort and safe-keeping of this Government,
 and as prisoners to Volksrust and the border of South
 African Republic in the neighbourhood of Volksrust. They will
 remain there until they can and shall be taken over as
 by or through [out] the British Government, under
 a proper guard, and this Government suggests that this
 consist, as far as possible, of police and not of soldiers.
 They have to be conveyed from Pretoria to England without
 delay. They will have to be conveyed, as prisoners, to
 England, and on a British man-of-war to England, and in
 England will have to be tried and punished. Their taking over
 through the British Government will have to take place as
 soon as possible. The sub-officers and men will first be conveyed.
 His officers and his officers to follow as soon as the Government
 is informed when all can together be taken over on the
 I am instructed respectfully to request from your Ex-
 cellency an answer to this letter. *Ends.*

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*
 (Received 1.20 P.M., 11th January, 1896.)

(ic.)
 January.—No. 1. If you should acquiesce in decision
 of South African Republic that all prisoners who are
 subjects must be sent to England for trial, a decision which
 upon Government of South African Republic by their own
 who are inclined to get out of hand, I would suggest that
 "Victoria," due about 14th January, should land 1st
 Lancaster Regiment at Cape and proceed to Durban,
 prisoners and convey them to England.

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*
 (Received 1.20 P.M., 11th January, 1896.)

(ic.)
 January.—No. 2. Your telegram No. 1, 10th January,*
 and has been sent to Newton to supply information

* No. 123.

desired. I imagine Pitsani Potlogo is the farm given by Montai to British South Africa Company in his territory north of the Molopo which he handed over to them. It was, I believe, headquarters of Company's Police, and the territory joins South African Republic, no British territory intervening.

No. 182.—Mr. Chamberlain to Sir Hercules Robinson.
(Sent 2.5 P.M., 11th January, 1896.)

[*Answered by No. 151.*]

(Telegraphic.)

11th January.—No. 3. Referring to your telegrams of 10th January Nos. 2 and 5,* astonished that Council should hesitate to fulfil the engagement which we understood was made by President with you, and confirmed by the Queen, on the faith of which you secured disarmament of Johannesburg. Any delay will produce worse impression here, and may lead to serious consequences. I have already promised that all the leaders shall be brought to trial immediately but it would be absurd to try the rank and file, who only obey orders which they could not refuse. If desired, we may, however, engage to bring to England all who are not domiciled in South Africa; but we cannot undertake to bring all the rank and file to trial, for that would make a farce of the whole proceedings, and is contrary to the practice of all civilized Governments. As regards pledge that they shall be punished, the President will see, on consideration, although a Government can order a prosecution it cannot in any free country compel a conviction. You may remind him that the murderers of Major Elliott who were tried in the Transvaal in 1881 were acquitted by the jury of burghers. Compare also the treatment by us of Stellaland and other freebooters.

No. 183.—Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.
(Received 5.45 P.M., 11th January, 1896.)

(Telegraphic.)

11th January.—No. 3. President of South African Republic sent De Wet to me this morning to say he is most anxious for reply to his letter which accompanied my telegram to you of yesterday No. 5.† I desired De Wet to tell him it had gone to you *in extenso* and he should be informed as soon as ever I heard from you. I told him at the same time to mention what your view and mine had been as to disposal of prisoners. President South African Republic said he and his Executive and his burghers were unanimously of opinion

* Nos. 125 and 129.

† No. 129.

role of the prisoners who are British subjects should, for instance, be sent to England; he was satisfied to leave it to you as to whether they should be sent back here or not to your judgment, but that they must be deported from Africa as a first step he considered imperative.

Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.

(Received 7.4 P.M., 11th January, 1896.)

[*Answered by No. 137.*]

(.)
January.—No. 5. I have received the following letter from the President of the South African Republic. *Begins*: 11th January. I have received instructions to draw attention of your Excellency to the fact that which has by means of press telegrams from London amongst others following appears: New flying squadron *Vengeance*, *Royal Oak*, *Theseus*, under Captain Campbell; *Hermione*, *Charybdis*, Rear-Admiral Dale commanding; *Albatross* prevails dockyards; "Times" states *Phæbe*, *Sappho*, *Albatross* returned from Zanzibar proceed Delagoa. This Government would like to know from your Excellency whether this report is correct, and so, should there exist no objections to this, to learn from your Excellency with what object and designs this armament of men-of-war took place and what destination they have.

I am glad to receive instructions as to the reply to be given to the President of the South African Republic.

137.—*Mr. Chamberlain to Sir Hercules Robinson.*

(Sent 11.50 P.M., 11th January, 1896.)

(.)
January.—No. 4. Referring to your telegram of 11th January. No. 5.* You may acquaint President of the South African Republic that the three smaller ships are going to Delagoa Bay as there are already men-of-war of other nations. A new flying squadron has been commissioned to provide for any contingencies which may arise, but Her Majesty's Government have no intention of sending it into South African waters.

* No. 134.

No. 139.—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain*
(Received 2.40 P.M., 13th January, 1896.)

(Telegraphic.)

13th January.—No. 1. Your telegram of the 10th J
No. 1.* Following telegram just received from Newton:—

Begins: 12th January. Your Excellency's of yesterday. Potlogo must not be confused with Pitsani, which lies west west of Mafeking on the Molopo. Pitsani Potlogo lies due west 28 miles from Mafeking and 1 mile east of main roads to Tlokweng. Latitude and longitude will be sent as soon as arrived at.

Jameson started from Pitsani Potlogo in British South Company's new territory; he did not cross any portion of territory before entering South African Republic. Nothing here of Kimberley Mounted Police as being among Jameson's Ex-members of Bechuanaland Police were, I understand, ordered Jameson to join him; they did not advance on their own account.

I should mention Pitsani Potlogo is $3\frac{1}{2}$ miles from Tlokweng border. *Ends.*

No. 140.—*Mr. Chamberlain to Sir Hercules Robinson*
(Sent 3.15 P.M., 13th January, 1896.)

[*Answered by No. 154.*]

(Telegraphic.)

13th January.—No. 1. Now that Her Majesty's Government have fulfilled their obligations to the South African Republic have engaged to bring the leaders in the recent invasion to terms they are anxious that the negotiations which are being conducted should result in a permanent settlement by which the possibility of further internal troubles will be prevented. The majority population is composed of Uitlanders, and their complete exclusion from any share in the government of the country is an acknowledged grievance which is publicly recognized as such by the friends of the Republic as well as by the opinion of civilized Europe. There will always be a danger of internal disturbance so long as this grievance exists, and I desire that you will earnestly impress on President Krüger the wisdom of making concessions in the interests of the South African Republic and of South Africa as a whole.

There is a possibility that the President might be induced to rely on the support of some foreign Power in resisting the proposed reforms or in making demands upon Her Majesty's Government, and in view of this I think it well to inform you that Great

* No. 123.

at all costs the interference of any foreign Power in the South African Republic. The suggestion that such was contemplated by Germany was met in this country by a unprecedented and unanimous outburst of public feeling.

In order to be prepared for all eventualities, it has been thought by Her Majesty's Government to commission a flying squadron of powerful men-of-war, with twelve torpedo-ships; and other vessels are held in reserve.

Her Majesty's Government have no reason, at the present moment, to anticipate any conflict of interest with foreign Powers; but I thought for you to know that Great Britain will not tolerate any interference in her relations with the Republic, and that, while respecting its internal independence, subject to the Convention of 1884, we will maintain her position as the paramount Power in Africa, and especially the provisions of Article IV of the Convention of 1884.

I sincerely hope that President Krüger, who has hitherto shown much wisdom in dealing with the situation, will now take advantage of the opportunity afforded to him of making of his own free will such concessions to the Uitlanders as will remove the last cause of disloyalty, and will establish the free institutions of the Republic on a firm and lasting basis.

I will recollect that promises have before been made to the Republic, which unfortunately have not been fulfilled. I trust that the Government will now see his way to repeat these promises to you as representative of the paramount Power: and in this case he will be able to rely upon the sincere friendship of Her Majesty's Government, and their determination that all external action against the Republic shall be prevented.

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*

(Received 9.30 P.M., 13th January, 1896.)

(Enc.)

January.—No. 2. I have received following from Acting Governor of Orange Free State to-day:—

I have been requested by the Volksraad to acquaint your Excellency with the following Resolution:

Resolution begins: Volksraad resolves to request the Executive Governor into correspondence with his Excellency the High Commissioner and to call his Excellency's attention to the fact that in the view of the Volksraad the existence of Governments controlled by the British South Africa Company has proved to be a danger to the future continue to be a great and threatening danger

to the peace of the whole of South Africa, and that the Volksraad is of opinion that the peace and mutual confidence which should exist between the States and Colonies, which has now been so severely shaken, have little chance of being renewed and preserved before that the Charter of the said Company is cancelled, and the Imperial Government or that of the Cape Colony shall take the direct responsibility of the government of the countries at present under the ruling of the British South Africa Company. Further, that the Executive shall in the meantime endeavour to obtain a guarantee from the Imperial Government that the peace of South Africa will not again be disturbed from these quarters. *Ends.*

Will your Excellency be kind enough to communicate the above to the Secretary of State for the Colonies? On your Excellency's arrival in Cape Town I shall correspond with you further on this matter. By order: JOHN BREBNER, Acting Government Secretary. *Ends.*

No. 145.—Colonial Office to the British South Africa Company.

SIR,

Downing Street, January 14, 1896

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 9th instant,* inclosing copy of a Resolution of your Directors passed at a special Board meeting on the 7th instant, to request Her Majesty's Government to institute an inquiry into the circumstances of Dr. Jameson's incursion into the South African Republic.

I am, &c.,

EDWARD FAIRFIELD

No. 146.—Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.
(Received 1.55 P.M., 14th January, 1896.)

(Telegraphic.)

14th January.—No. 2. Your telegram of the 13th January No. 4.† I estimate roughly that if all prisoners be sent home they will number about 40 officers and 410 rank and file—total, 450. If those domiciled in South Africa are excluded, total probably about 350. *Victoria* is now in Table Bay; she has no room on board unless 2nd Battalion King's Own Royal Lancaster Regiment be landed. I think, on the whole, the best and cheapest course would be to charter a Union or Castle steamer at Durban and send prisoners direct to England.

* No. 107.

† No. 143.

p. 147.—*Mr. Chamberlain to Sir Hercules Robinson.*

(Sent 2.10 P.M., 14th January, 1896.)

[*Answered by No. 160.*]

ic.)

January.—No. 1. Press telegrams state numerous arrests of residents on the Rand, including many Americans, and other nationalities. Fear that number of these active managers, representatives, may disorganize industry and. Wish to know of what accused, when brought whether bail allowed, and what penalties prescribed by law. Glad to learn from President of South African Republic intentions are in this matter, which affects the subjects of the States. Propose to communicate President's reply to the British and Belgian Governments, which have already asked us in the name of interests of their respective citizens.

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*

(Received 5 P.M., 14th January, 1896.)

ic.)

January.—No. 4. I am much gratified by the contents of telegram No. 1, 8th January,* and grateful for your offer of assistance from whatever quarter I think best.

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*

(Received 5.35 P.M., 14th January, 1896.)

ic.)

January.—No. 5. My telegram of yesterday No. 1.† from Newton:—

Re: In further reply to your Excellency's No. 1 of 11th. Longitude 25° 36' east longitude, 25° 29' south latitude.

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*

(Received 6 P.M., 14th January, 1896.)

ic.)

January.—No. 3. I have received a letter from Government of the South African Republic stating that, in their opinion, no objection exists for assuming that the complications at Johannesburg are approaching to an end, and that there need be no longer

* No. 103.

† No. 139.

any fear of further bloodshed. The President of the South African Republic and Executive Council tender to me the warmest thanks of the Government of the South African Republic for the assistance I have been able to render in preventing further bloodshed, and their congratulations on the manner in which my object in coming has been fulfilled. They tender also their cordial acknowledgments of the services rendered by the British Agent at Pretoria, which, I think, is fully deserved. The Volksraad met yesterday and adjourned till May, the only business transacted being a vote of thanks to the Orange Free State and the High Commissioner for their efforts in promoting a peaceful settlement, which was carried by acclamation. I now only await settlement of prisoners difficulty to leave for Cape Town, where my presence urgently needed in consequence of change of Ministers. Governor of Natal and General Cox are here, to whom I will give instructions as to reception and disposal of prisoners as soon as I hear from you.

No. 151.—Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.
(Received 8.45 P.M., 14th January, 1896.)

(Telegraphic.)

14th January.—No. 1. Present position of prisoners question as follows:—

I communicated purport of your telegram of the 13th [? 11th] January No. 3* to President, and he replies that the Government of South African Republic does not propose to lay any obstacle in the way of surrendering prisoners, but they only desire that the British Government places those persons, including the rank and file, on trial before a qualified Court, and, should they be found guilty, punish them according to law. He adds that the Government of South African Republic will place prisoners in the hands of British Government on the borders of Natal, according to his letter on 10th January, which accompanied my telegram to you 10th January No. 5, and from that moment Government of South African Republic must be viewed as having laid all responsibility off its shoulders.

I have answered by letter dated 13th January repeating that Her Majesty's Government are not prepared to bring rank and file to trial because, in their opinion, such a proceeding would be contrary to practice of all civilized Governments. I added that if with this understanding Government of South African Republic is willing to place prisoners in the hands of British Government at borders of Natal, they would be taken over and Government of South African

* No. 132.

from that moment relieved from all responsibility as
 disposal. I sent this letter last evening to President
 African Republic by the hand of British Agent.

nt of South African Republic states that he was in
 t embarrassment; he had stood out almost single-handed
 Executive Council and his burghers, who were clamorous
 l and punishment of prisoners in this country; that he
 hem they would be tried and dealt with according to
 ; and that if now they were to be told that rank and file
 et at liberty his position would be untenable.

Agent pointed out that President of South African
 ould not expect Home Government to act in a manner
 t with usages of all civilized Governments.

nt of South African Republic replied that by their laws
 ould be all tried and punished, and he did not see how
 ke his peace with the burghers if on crossing the border
 et at liberty.

nt of South African Republic has acted extremely well
 t this matter, and is really in a position of great embarrass-
 ink if all prisoners were sent to England, and that it was
 t that rank and file could not be tried, his position would
 sier.

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*

(Received 12.5 A.M., 15th January, 1896.)

ic.)

January.—No. 6. I have just arranged with President
 can Republic as follows: All prisoners to be taken over
 Majesty's Government on the Natal border; Dr. Jameson
 aders, about eleven in number, to be sent to England as
 for trial, and any of the rank and file who are not
 in South Africa to be sent to England in custody, to be
 with as Her Majesty the Queen shall see fit. Remainder
 d file to be discharged in batches and sent to their homes
 demonstrative manner. I have made all the arrangements
 hinson and Cox as to reception and disposal of prisoners
 is.

imating your decision as to sea transport, please send
 of any message to me to Hutchinson direct so that he
 once as to freighting steamer or otherwise.

se leaving at 7 o'clock this evening, and hope to arrive at
 n on Thursday evening; meanwhile telegrams will reach
 e.

Hutchinson and Cox will remain at border to take over and arrange for their disposal.

No. 153.—Mr. Chamberlain to Sir Hercules Robinson
(Sent 1.55 P.M., 15th January, 1896.)

[*Answered by No. 165.*]

(Telegraphic.)

15th January.—No. 1. I am left in great perplexity telegram No. 3 of the 14th instant,* and fear that some telegrams must have miscarried.

Refer to my long telegram of 4th January, and my No. 3 of 6th January, Nos. 1 and 3 of 13th January, and 14th January; also to yours No. 2 of 6th January, No. 1 of 7th January, Nos. 1 and 3 of 8th January, and No. 4 of 10th January. I have received no reply to any of these telegrams from you, and have assumed that negotiations were in progress between the President and yourself.

There can be no settlement until the questions raised by the telegrams are disposed of. The people of Johannesburg are taking up their arms in the belief that reasonable concessions will be arranged by your intervention; and until these are granted, and definitely promised to you by the President, the root cause of the recent troubles will remain.

The President has again and again promised reconciliation, especially on the 30th December last, when he promised to grant education and franchise; and grave dissatisfaction would be caused if you left Pretoria without a clear understanding on the part of Her Majesty's Government invite President Krüger, in the name of the South African Republic and of peace, to make a final decision on these matters. I am also awaiting a reply respecting the alleged wholesale arrests of English, Americans and other foreigners, made after the surrender of Johannesburg.

It will be your duty to use firm language, and to tell the President that neglect to meet the admitted grievances of the Uitlanders by giving a definite promise to propose reasonable concessions will have a disastrous effect upon the prospects of a lasting and satisfactory settlement.

Send me a full report of the steps that you have already taken with regard to this matter and of the further action you propose.

* No. 150.

† Nos. 49, 85, 140, 142, 147, 89, 98, 105, 108, and 128.

—*Sir Hercules Robinson (Pretoria) to Mr. Chamberlain.*

(Received 2 P.M., 15th January, 1896.)

hic.)

January.—No. 1. Your telegram 13th January, No. 1,*
 reached me last night after I had left Pretoria. I could, if
 I considered it desirable, communicate purport to President of
 South African Republic by letter, but I myself think such action
 inopportune moment. Nearly all leading Johannesburg
 men now in gaol, charged with treason against the State, and it
 is evident that Government has written evidence of a long-
 and widespread conspiracy to seize Government of country
 on plea of denial of political privileges, and to incorporate the
 same with that of British South Africa Company. The truth of
 these reports will be tested in the trials to take place shortly in the
 court, and meanwhile to urge claim for extended political
 rights for the very men so charged would be ineffectual and

President of South African Republic has already pro-
 vided municipal government to Johannesburg, and has stated in a
 statement that all grievances advanced in a constitutional manner
 have been carefully considered and brought before the Volksraad
 for consideration; but until result of trials is known nothing, of
 course, can now be done.

ROBINSON (*en route* to Cape Town).

No. 155.—*Mr. Chamberlain to Sir Hercules Robinson.*

(Sent 5.25 P.M., 15th January, 1896.)

hic.)

January.—No. 2. Referring to your telegram of 13th
 January, No. 2,† thank Orange Free State for their friendly
 letter, and assure the Acting President that the whole matter
 is under my earnest consideration.

Orange Free State may rest assured that effective steps will
 be taken to render impossible any repetition of the late lamentable
 events.

No. 157.—*Mr. Chamberlain to Sir Hercules Robinson.*

(Sent 6.25 P.M., 15th January, 1896.)

hic.)

January.—No. 3. Ask Newton to send by next mail full
 report writing on the whole subject of composition, recruiting,
 concentration of Jameson's force; explaining why he and other

* No. 140.

† No. 144.

civil officers of the Crown were not aware of probable raid, if it is a fact that no Imperial officer was aware.

No. 159.— Mr. Chamberlain to Sir Hercules Robinson.
(Sent 7 P.M., 15th January, 1896.)

[*Answered by No. 168.*] .

(Telegraphic.)

15th January.—No. 5. Referring to your telegram No. 1 of the 15th January,* see my telegram No. 1 of to-day,† which was sent before receipt of yours. I recognize that the actual moment is not opportune for a settlement of the Uitlanders' grievances, and that the position of the President of the South African Republic may be an embarrassing one, but I do not consider that the arrest of a few score individuals out of a population of 70,000 or more, or the supposed existence of a plot among that small minority, is a reason for denying to the overwhelming majority of innocent persons reforms which are just in themselves and expedient in the interests of the Republic. Whatever may be said about the conduct of a few individuals, nothing can be plainer than that the sober and industrious majority refused to countenance any resort to violence, and proved their readiness to obey the law and your authority. I hope, therefore, to hear at an early date that you propose to resume the discussion with President of South African Republic on lines laid down in my previous telegrams. I do not see that the matter need wait until the conclusion of the trial of the supposed plotters. I am anxious to receive the information asked for in my telegram No. 1 of the 14th January.‡ Please communicate at once with the President on this matter.

No. 160.— Sir Hercules Robinson (Springfontein) to Mr. Chamberlain.
(Received 8.5 P.M., 15th January, 1896.)

[*Answered by No. 163.*]

(Telegraphic.)

15th January.—No. 2. Your telegram of 14th January, No. 1.‡ The accused are between fifty and sixty in number, and are mostly members of Reform Committee. They have been arrested on charge of treason and of seeking to subvert the State by inviting the co-operation and entrance into it of an armed force. The proceedings are based, I understand, on sworn information, and the trials will take place before the High Court. The accused are being

* No. 154.

† No. 153.

‡ No. 147.

d, and are represented by able counsel. It is alleged
 nment has documentary evidence of a widespread con-
 seize upon Government and make use of the wealth of
 y to rehabilitate finances of British South Africa Com-
 taking leave of President of South African Republic I
 him moderation as regards the accused, so as not to
 e sympathy he now enjoys of all right-minded persons.
 matter entirely in the hands of Attorney-General. The
 t seem acting within their legal rights, and I do not see
 interfere. Mines are at work, and industry does not
 disorganized.

2.—*Mr. Chamberlain to Sir W. F. Hely-Hutchinson.*
 (Sent 1.30 P.M., 16th January, 1896.)

(c.)
 g to my telegram of 15th January, *Victoria* with
 leading officers, and other English domiciled officers, will
 . Consider it desirable that steamer with rank and file
 d calling at the Cape, coaling elsewhere if necessary.

163.—*Mr. Chamberlain to Sir Hercules Robinson.*
 (Sent 3.55 P.M., 16th January, 1896.)

(c.)
 January.—No. 1. Your telegrams 15th January.* As
 w in Cape Town, and do not consider time opportune for
 e of negotiations on matters referred to in above tele-
 shall not send you further instructions by telegraph, but
 ng despatch (for early mail) with full statement of policy
 erty's Government, and instructions for future action.
 meantime, instruct counsel to attend trials of Johannes-
 s and watch proceedings, reporting fully to you thereon
 British, American, and Belgian accused.

—*Sir Hercules Robinson (Worcester) to Mr. Chamberlain.*
 (Received 7.50 P.M., 16th January, 1896.)

(c.)
 January.—No. 1. Your telegram of 15th January, No. 1,†
 I cannot at this moment follow the complications arising

* Nos. 154 and 160.

† No. 153.

from supposed missing and crossing telegrams, but can only say that no telegram which has reached me from you has remained unanswered.

No promise was made to Johannesburg by me as an inducement to disarm, except that the promises made in the President's Proclamation would be adhered to and that Jameson and the prisoners would not be transferred until Johannesburg had additionally laid down its arms and surrendered. I sent you a telegram of 4th January* to President, but the question of submission to Uitlanders has never been discussed between us. The result of coming trials and the extent to which Johannesburg is implicated in the alleged conspiracy to subvert the State is not clear, the question of political privileges would not be entered into by Government of the South African Republic.

No. 168.—*Sir Hercules Robinson (Paarl Station) to Mr. Chamberlain*
(Received 10.15 P.M., 16th January, 1896.)

(Telegraphic.)

16th January.—No. 3. Your telegram of 15th January. If you will leave the matter in my hands I will resume advocacy of Uitlanders' claims at the first moment that I think it can be done with advantage; the present moment is most inopportune, the strongest feeling of irritation and indignation against the Union exists both amongst the burghers and members of Volksraad of the Republics; any attempt to dictate in regard to the internal affairs of South African Republic at this moment would be resisted by all the parties in South Africa, and would do great harm.

I have already replied in my telegram of 15th January, in answer to your telegram of 14th January, No. 1, § and I think it possible to obtain further information at this stage, the matter being *sub judice*.

No. 171.—*Mr. Chamberlain to Sir Hercules Robinson*
(Sent 3.40 P.M., 17th January, 1896.)

[*Answered by No. 175.*]

(Telegraphic.)

17th January.—No. 1. Your telegram of 2nd January. Report by telegram why it would have been impossible for me to send an Agent to go to Jameson. Point has attracted attention here.

* No. 49.

† No. 159.

‡ No. 160.

§ No. 147.

|| No. 35.

he got your instructions too late or through physical
?

—*Sir Hercules Robinson (Cape Town) to Mr. Chamberlain.*
(Received 11:30 P.M., 18th January, 1896.)

ic.)

January.—No. 1. Your telegram No. 1, 17th January.*
gram of 31st December† received by me forenoon of 1st
At 11:45 A.M. I sent extract to De Wet suggesting that
if possible, act on your suggestion and go in person to
son; this he received 2:30 P.M., and he replied that he
go himself. I telegraphed again same day saying I
a pity he did not make an effort to go, to which he
2nd January that it was utterly impossible for him to
to Jameson, and if it had been possible his mission would
ed futile, as fighting had commenced. This is the case, as
and commenced at Krugersdorp, 50 miles from Pretoria, at
on 1st January, before receipt by him of my first

No. 179.—*Sir Hercules Robinson to Mr. Chamberlain.*
(Received January 20, 1896.)

Government House, Cape Town, December 31, 1895.
E the honour to transmit, for your information, copy of a
from Her Majesty's Agent in the South African Republic,
on the present state of affairs in that country.
inclose an extract from the "Cape Times" containing
the manifesto issued on behalf of the National Union by
es Leonard.

I have, &c.,

HERCULES ROBINSON, *High Commissioner.*

1.)—*Despatch from Her Majesty's Agent, Pretoria, to his
Agency the High Commissioner, Cape Town.—December 27,*

[See page 247.]

(Inclosure 2.)—*Manifesto issued by the Chairman of the Transvaal National Union, Johannesburg.—December 27, 1895.*

[See page 248.]

No. 198.—Sir Hercules Robinson to Mr. Chamberlain.
(Received 8.30 P.M., 25th January, 1896.)

(Telegraphic.)

January 25.—No. 4. Governor of Natal reports Jameson and 18 officers sent in *Victoria*; 23 officers and 301 rank and file proceed in *Harlech Castle* to England on January 27. 3 officers and 99 rank and file discharged and sent to their homes in South Africa. Captain Coventry still in hospital.

No. 203.—British Residents at Johannesburg to Mr. Chamberlain.
(Dated Charlestown, 10.30 A.M., 27th January.)

(Received 7.45 A.M., 28th January, 1896.)

(Telegraphic.)

WE would reiterate unswerving opinion without British Government firmly demand imperative reforms, create permanent peace, catastrophe certain. Boers unanimously against alteration; their arrogance weakening Transvaal Executive control; unwarrantable indignities shown our women folk; we compelled represent collectively, otherwise arrest; commandine [? commanding] fort site here chosen by Executive with assistance German expert to enforce more rigorous rule; Native Pass Law has been applied to all English, and will shortly be again in force; justly considered gross indignity; unemployed increasing.

No. 210.—Sir Hercules Robinson to Mr. Chamberlain.
(Received 2 P.M., 30th January, 1896.)

(Telegraphic.)

30th January.—No. 2. Following telegram received from State Secretary of the South African Republic:—

Begins: January 29. Referring to previous correspondence as to trial of Dr. Jameson and his officers in England, I have received instructions to acquaint your Excellency that this Government is prepared to afford British Government, or its authorities who may

ted for the purpose, all information which may be
or may be considered necessary, at the trial in question.
nment requests your Excellency to bring its readiness in
to the notice of British Government. *Ends.*

. 212.—*Mr. Chamberlain to Sir Hercules Robinson.*

(Sent 6.20 P.M., 30th January, 1896.)

ic.)

January.—No. 1. Her Majesty's Ministers and other
n have received within last few days large number of
nearly all anonymous, from British residents in Johan-
complaining of various matters, including indignities to
children, and expressing fear of injury to their means of
&c. You had better instruct British Agent in South
Republic to proceed to Johannesburg and ascertain whether
any genuine grievances, and if so to call the attention to
Government of the South African Republic, who I believe
nd willing to redress anything that is amiss. I suspect
telegrams may emanate from or may be instigated by
mber of persons for political purposes and with a view to
g public opinion here. British Agent in South African
might endeavour to trace their source. I believe great
f mining interests in London is opposed to any gratuitous
revive recent troubles. Report fully by telegraph.

220.—*Mr. Chamberlain to Sir Hercules Robinson.**

Downing Street, February 4, 1896.

hitherto been impossible for me to do more than indicate
telegraph the immediate measures which appeared to me
essary in view of the grave issues raised by the incursion
ed force under Dr. Jameson into the territory of the
rican Republic; but now that the pressing questions of
nt have been disposed of, I take the earliest opportunity
ing you at length upon the subject.

propose in the present despatch to review the situation, to
causes, as I understand them, which have given rise to it,
plain the policy of Her Majesty's Government.

a proper apprehension of the events which have led up
cent crisis, I must go back to the period immediately
g the conclusion of the Convention of Pretoria in 1881.

substance of this despatch was communicated to Sir Hercules
y telegraph.

At that period, and for some time afterwards, the population of the South African Republic was comparatively small, and almost entirely of burghers and their families. The British population in it was made up of traders, a handful of farmers or landowners, and a small, and not very thriving, body of gold-miners chiefly in the neighbourhood of Lydenburg. The revenue was meagre, and hardly sufficient for the barest needs of Government. About ten years ago the discovery of gold deposits at the Witwatersrand gave indications of a new state of things, and a complete revolution in the situation of the Republic, both economically and political. The discovery of the Reefs at the Rand gave rise to the inevitable gold fever, followed by the usual reaction. In such reaction the industry was saved by the foresight and courage of certain of the capitalists most interested, and since then the progress has been uninterrupted and rapid.

4. Owing to peculiarities of temperament and circumstances, participation in the new industry had no attraction for the native population. It remained almost entirely in the hands of the new-comers commonly known as "Uitlanders," and a sharp cleavage was thus created within the Republic—the Uitlanders being chiefly resident in the industrial and mining centres, while the burgher population remained absorbed in its pastoral and agricultural life and dispersed widely through the country districts. It is difficult to arrive at any exact idea of the numbers of the different classes of the inhabitants. But I conceive that I am well within the mark in estimating the white population along the Rand at something like 110,000, and it may safely be said that the new-comers (the large majority of whom are British subjects) at the present time outnumber the citizens of the Republic.

5. The political situation resulting from these conditions is an anomalous one. The new-comers are men who were accustomed to the fullest exercise of political rights. In other countries where immigration has played an important part in building up a population, it has been the policy of the Legislatures to make liberal provision for admitting all new-comers who are desirous of naturalization, after a comparatively brief period of probation. In the South African Republic, on the other hand, the rights and duties of citizenship—a policy which, from the point of view of national interests were concerned, has been fully justified in the event, for experience shows that the naturalized alien is, with, if he does not outstrip, the natural-born citizen in the degree of his patriotism.

6. In the South African Republic, however, different considerations have prevailed with those who were the depositories of the law. More than one law has been enacted rendering more dif-

nts imposed on those desiring naturalization, and the
g, so far as I can find, that whereas in 1882 an Uitlander
in full rights of citizenship after a residence of five years,
w never hope to attain those rights *in full*, and their
oyment is only conceded after a term of probation so
as to amount, for most men, to a practical denial of
If he omits to obtain any kind of naturalization for
s children, though born on the soil, remain aliens like

this course of legislation the whole political direction of
the whole right of taxation are made the monopoly of
coming a decreasing minority of the population, composed
irely of men engaged in pastoral and agricultural pur-
list the great majority of all those engaged in the other
of civilization—the men, in fact, who have by their
n a few years raised the revenues of the country from
00L to an amount which cannot now be less than
, and who find eighteen or nineteen-twentieths of the
ue—are denied any voice in the conduct of the most
class of affairs, and have not succeeded in obtaining any
what seems a formidable array of grievances which, it is
mper and injure them at every step of their lives. The
intense irritation which have been aroused by this state
have not been lessened by the manner in which remon-
ve been met.

atever may be the truth as to the occurrences of the last
the Uitlander leaders had previously kept within the
constitutional agitation, but their success in this direction
encouraging. It is true that hopes have been held out to
persons of high position and influence in the South
epublic, and they have at times obtained what they
s promises, but these have not been practically fulfilled,
they have remonstrated they have occasionally been met
and insult—none the less irritating to strangers because,
is the fact, they emanated only from a minority of the
s. Thus, in May 1894, a petition for the extension of the
igned by 13,000 inhabitants, is credibly reported to have
sted by the Volksraad amid scornful laughter, and in
6 a similar petition signed by upwards of 32,500 inhabi-
tated to have met a similar fate—one member of the
so far forgetting himself as to challenge the Uitlanders
arms and fight.

a meeting of the National Union at Johannesburg in 1894
nces and the demands of the Uitlanders were set forth in
nd elaborate manner, and it was then emphatically stated

7. LXXXIX.]

Z

that no resort to violence was contemplated; although the principal speakers warned the Government that, if their policy persisted in, blood would be shed in the streets of Johannesburg and that the responsibility would lie at the doors of the Government. At that time much was hoped from the coming elections which anticipated that a "progressive" majority would be returned to the Raad, and that a more liberal policy would be pursued.

10. But those hopes were doomed to disappointment. The elections to the Raad did, indeed, result in the return of a majority of members who were commonly reckoned as "progressive." The National Union, in view of the suggestion that reform was hindered by the making of inflammatory speeches at Johannesburg, discontinued their agitation. Nothing, however, came of this change of policy.

11. On the 20th November last a speech was delivered by Mr. Lionel Phillips, the Chairman of the Chamber of Mines, which marks a reversion to the policy of active agitation. I note that on that occasion Mr. Phillips stated that the position was likely to endure, and it was likely to be endured still longer, and he added that "nothing was further from his heart than a demand for an upheaval, which would be disastrous from every point of view, and which would probably end in the most horrible of all endings—in bloodshed." Finally came the manifesto issued by the National Union on the 27th December, in which their object was stated to be the maintenance of the independence of the Transvaal, the securing of equal rights, and the redress of grievances. In this manifesto, although the complaints of the Uitlanders were set out in detail, and very plain language was used concerning the situation, no hint was given of an intention to resort to force.

12. I mention these matters because they seem to me to show that, whatever may have been the secret schemes of individual agitators, the agitation, as the great majority of the Uitlanders understood it, to which they gave their sympathy, was one proceeding on lines on which an agitation against an organized Government with military strength can proceed with any hope of success—namely, it was an open and above-board agitation, prosecuted within the lines of the Constitution.

13. It is needless to say that Her Majesty's Government watched the progress of these events with careful attention, and from their legitimate concern for the interests of so large a number of British subjects, they could not but feel a keen anxiety that the agitation should degenerate into a contest with the colonial authorities; but there was no ground for their active intervention. The Uitlanders and their organs had always deprecated the transformation of the dispute into the dispute of what is called in South Africa the

have intervened uninvited seemed impracticable, and only to be injurious to the prospects of a peaceful and settlement.

There were, indeed, rumours from time to time that violent measures were in contemplation, but these rumours were confuted by the event, so that, in the long run, the opinion prevailed that the Uitlanders did not mean to risk a collision with the Government; and in the light of later occurrences it was evident that, so far as the Rand itself is concerned, that was the correct one. Nor was it confined to Her Majesty's Government, for the Consul-General in London of the South African Republic, the Government at Pretoria, and the press of the Republic as a whole, appear to have been of much the same way of thinking.

It was the position of affairs when, on the 30th December, occurred the grave fact that Dr. Jameson had invaded the South African Republic at the head of a force of 500 men.

It need hardly be stated that neither you nor Her Majesty's Government had up to the last moment any reason which would justify you in anticipating that this invasion was likely to take place. It had, however, been suggested in some quarters that the concentration of troops at Mafeking and Pitsani Potlogo, on the western border of the Republic, should have sufficed to indicate to us that a hostile movement was intended against the Republic; but this was founded on a misapprehension of the circumstances. It was as early as August last the British South Africa Company, in connection with the projected extension of the railway northwards to the Orange River, asked permission to station, for the time being, a detachment of their police force at Gaberones in order to afford protection to the railway, and to preserve order among those engaged in the work and the natives and others who would be likely to be disturbed by the presence of the troops at the spot. I did not, at the moment, consider it wise to comply with the request, because the territory in question formed part of the Bechuanaland Protectorate, and I was anxious to avoid introducing into it a body of armed men who would be liable to the exclusive control of the Crown. The matter then lay dormant until it was revived by the circumstances attending the visit of the British Commissioner to the country of Khama and the other two principal Bechuana Chiefs. It was then understood that an understanding was to be arrived at as to the future administration of the Protectorate. By that arrangement so much of the territory of the Bechuanaland Protectorate as was not reserved to the three Chiefs was to be placed under the direct administration of the British South Africa Company, which was to become the sole authority all round the territory. It consequently became

unnecessary to retain the services of the Bechuanaland Police. On the other hand, the Company represented increase in the area of the territory wherein they were to be responsible for the preservation of order demanded a corresponding increase in the strength of their police, and they expressed themselves anxious to obtain the services of so many of the Bechuanaland Border Police as were not about to be transferred to the Colony, or were not to be discharged. I assented to this, and the Bechuanaland Police, scattered throughout the Veld, were called in to Mafeking, their head-quarters, for the purpose of being either paid off or inspected by Dr. Jameson, the Company's representative, with a view to his selecting such of them as were willing to join the Company's service, and as he might be able to accept. So far as my information went, the numerous men attending the transfer of men and stores to the Colony were being discussed and settled in a routine manner, and there was nothing in the detailed correspondence to arouse any suspicion. I understand that about 200 of the police were in this way taken over, of whom at least 120 were taken over by Dr. Jameson on behalf of the Company.

17. Some little time before the settlement with Khamarabana allies, the Company had come to an agreement with the Chiefs Montsioa and Ikanning, through whose districts a section of the railway was to pass, for a transfer of the administration of their territories; and, as I have since learnt, they had from Montsioa a site for a police camp at Pitsani Potlogo, and, on your knowledge and assent, an apparently small body of police was sent southwards from Bulawayo to occupy these two minor posts. The only official details which I have received of a mass concentration of police are given in your telegram of the 10th January,* from which I gather that you saw nothing suspicious in the arrangement, that you were not aware of any ordnance being sent to the camp, and that you did not think it necessary to specify the circumstances to me. I am given to understand that the Bechuanaland officials were, equally with yourself, surprised; and on this and other cognate questions I await further report which Mr. Newton, the Resident Commissioner in the Protectorate, has been directed to furnish.

18. The question has been much discussed whether the establishment of the South African Republic, which, I believe, will require patrols along the Bechuana border, were equally in the contemplation of Dr. Jameson's intentions. I understand from your message of the 10th January that the Government of the Republic

* No. 121.

by surprise, and this has been confirmed by a statement published on authority by the Consul-General of the South African Republic. If it had been otherwise, it is clear that the Government of the Republic ought to have communicated its information and its suspicions to you, and that you would then have been able to take steps which would have prevented the invasion and the consequences which unfortunately followed. But the fact that the British Government, who had the best means of information and the greatest interest in the matter, was entirely unaware of the circumstances which would justify a remonstrance, is evidence of the unexpected character of the invasion, and proves that the circumstances preceding it were not of a character to call for special action on your part.

On the 29th December, however, it was suggested to me that the Chartered Company's police might be used to force matters in Johannesburg. The suggestion appeared to me almost inadvisable; but as a precautionary step I immediately telegraphed to you to put you on your guard, and instructed you, if you thought it necessary, to warn Mr. Rhodes of the consequences. Unfortunately, Dr. Jameson had already crossed the border of the

Transvaal as soon as the raid became known, every possible effort was made by the British authorities to stay Dr. Jameson's advance. On the 31st of December you at once telegraphed to the Resident Commissioner of the Bechuanaland Protectorate to send a fast messenger to Dr. Jameson and his officers of the position in which they had placed themselves, and to direct their immediate return. Your telegram was somewhat delayed by the cutting of the wire south of Johannesburg, but within forty minutes of its receipt by Mr. Newton the messenger was on his way with written orders, which he was unable to deliver when the force was about half-way to Johannesburg. The only reply he brought back was a verbal one that all despatches had been received and would be attended to. Immediately afterwards, a second messenger had been dispatched by the British

Government from Pretoria, and returned with a written answer from Dr. Jameson, dated the 1st January, in which he stated that in the absence of food supplies it was necessary for him to proceed, but that "he was anxious to fulfil his promise on the petition of the principal residents in the Rand to come to the aid of his fellow-residents in their extremity," an excuse which I sought to deprive of its effect by authorizing any necessary expenditure for food and ammunition. Proclamations were also issued by the Governor of Natal and myself, calling on all British subjects to abstain from taking any part in disturbances in the Transvaal, and on the 2nd January I directed you to make known by telegraphic com-

munications to the newspapers in Johannesburg, Pretoria, and Bloemfontein that Her Majesty's Government, the High Commissioner, and Mr. C. J. Rhodes all repudiated Dr. Jameson's action, and that you were commanded by Her Majesty to enjoin her subjects in the South African Republic to abstain from aiding or countenancing Dr. Jameson or his force, to remain quiet and obey the law and the constitutional authorities, and to avoid tumultuous assemblies. It was my desire that Sir J. de Wet should proceed in person to Dr. Jameson and summon him to retire. I have since learned from you that, owing to the partial interruption of telegraphic communication and to the rapidity of Dr. Jameson's movements, by the time my instructions reached the British Agent at Pretoria, fighting had already begun 50 miles away.

21. On the 1st January you observed a report in the Cape newspapers that there had been a rising in Johannesburg, and that a Provisional Government had been proclaimed. You at once offered, if the President of the Republic should wish it, to come to Pretoria in order to co-operate with him in endeavouring to bring about a peaceful settlement, and, your offer being accepted, you started on the following evening.

22. The situation as you found it on your arrival in Pretoria was extremely critical. Dr. Jameson and his force were prisoners. The town of Johannesburg was supposed to be in an attitude of armed, but for the moment passive, rebellion, and was surrounded by a burgher force variously estimated at from 8,000 to 12,000 men. The Republican authorities had practically withdrawn from the town, and the maintenance of order rested with the Reform Committee and with those who had armed themselves, or accepted arms from the Committee, with the expressed intention of protecting life and property and preserving the peace. A considerable amount of arming and organization appears to have gone on during the next few days, but it is clear that the majority of the population had little, if any, sympathy with the revolutionary movement.

23. At this juncture President Krüger showed a spirit of wisdom and moderation which I desire heartily to acknowledge. He kept within bounds the natural exasperation of his burghers, and the decision to which he came with regard to the prisoners was equally prudent and magnanimous. When it first came to my knowledge that he might offer to hand them over to Her Majesty's Government for punishment, I felt it my duty to point out that it would be practically impossible to punish the rank and file, and that even as regards the leaders it was not possible to proceed otherwise than according to law; all that could be done was to bring them to trial and to leave the issue in the hands of justice. He nevertheless decided, after some correspondence, to hand over the whole of the

to Her Majesty's Government, and it was arranged that the rank and file as were not domiciled in South Africa be sent to this country to be disposed of as Her Majesty directed, the leaders being also brought here and put on their departure immediately after their arrival.

With regards the town of Johannesburg, the Government of the South African Republic decided that the inhabitants must lay down their arms unconditionally within twenty-four hours, "as a condition precedent to any discussion and consideration of grievances."

Sir J. de Wet on the 6th ultimo communicated this ultimatum to the Reform Committee and the people. In this task he was assisted by Sir Sidney Shippard, who appears to have taken up his residence in Johannesburg; and as a result, either through a conviction that the rebellion was futile, or that it was wrong, or from an anxiety not to injure the position of the prisoners, the people of Johannesburg accepted the ultimatum, and placed themselves and their interests unreservedly in your hands in the fullest confidence that you would see justice done to them. You informed me that you had then to be able to confer with the President and the Executive Council with regard to the redress of Johannesburg.

On the 9th ultimo you reported that the Government of the South African Republic had issued a Proclamation granting a general amnesty to all in Johannesburg, with the exception of the leaders who should lay down their arms before the following day. And on the 10th ultimo you communicated to me a Proclamation addressed by the President to the inhabitants of the town, in a conciliatory language, wherein he promised to submit to the Executive Council at its next Session a law for the establishment of a Municipality, with a Mayor at its head, to whom the whole administration of the town would be intrusted.

For the next few days your attention appears to have been occupied with questions relating to the handing over of the prisoners, and on the 14th ultimo I learnt from you that, this matter having been arranged, you proposed to return to Cape Town that evening.

I desire to take this opportunity of expressing my cordial appreciation of your action on learning of Dr. Jameson's invasion, and of your subsequent negotiations at Pretoria. In connection with the arrangements connected with the transfer of the prisoners, and in averting the further evil consequences which might have resulted from Dr. Jameson's action, you achieved a success which was the worthy fruit of ripe experience of long years passed in public employments, and of an exceptional tact and a high degree of skill in winning the confidence of other men. I had hoped that it would have been possible for you, before you left Pretoria, to

obtain some definite assurances from President Krüger as to the character of the reforms which his Honour has promised to the Uitlanders, and as to the time at which they might be granted; and I had telegraphed to you, some days before, the views of Her Majesty's Government on those subjects. Your telegrams had led me to expect that you would be able to find an opportunity of discussing these matters during your stay at Pretoria. You have since informed me that it would have been impossible to enter on a discussion of these questions at the time, inasmuch as the Government believed that they had evidence of a widespread conspiracy to overthrow the Constitution, in consequence of which they had arrested between fifty and sixty prominent inhabitants of Johannesburg; and that, pending the investigation of the facts before the Courts, they would certainly not entertain the question of concessions to the Uitlanders.

28. It seemed to me, I confess, somewhat hard that the suspicion or even the certainty, that a handful of the wealthier inhabitants were more or less implicated in a treasonable conspiracy should be regarded as a reason for delaying the discussion of the question of granting to the vast majority of industrious and peaceable inhabitants concessions which seem urgently called for by considerations alike of justice and expediency. I deferred, however, to your representations that the moment was an inopportune one for pressing the question, and I have intimated that you would receive in the present despatch further and fuller instructions for your future guidance. But before proceeding to this subject there are two points to which I must refer.

29. The first is as to the recent arrests in Johannesburg. I am unaware of the precise charges on which the persons now in custody, or on bail or parole, will be tried; but I am anxious to have a full report on the subject, and to be in a position to give information to those foreign Governments who have invoked the good offices of Her Majesty's Government for such of their citizens as are implicated in the charges; and I accordingly instructed you to engage counsel to watch the trials and to furnish a complete account of them. I have now learned with much satisfaction that you have been able to secure for this service a gentleman of the high reputation and ability of Mr. Rose-Innes, Q.C., formerly Her Majesty's Attorney-General for the Cape Colony.

30. In the next place it is necessary that I should state clearly and unequivocally what is the position which Her Majesty's Government claim to hold towards the Government of the South African Republic.

31. Since the Convention of 1884 Her Majesty's Government have recognized the South African Republic as a free and inde-

Government as regards all its internal affairs not touched convention; but as regards its external relations, it is the control of this country in accordance with the provisions of Article IV. There is no reason to anticipate that any power will dispute our rights, but it is necessary to state that Her Majesty's Government intend to maintain them in full vigour.

As regards the internal affairs of the Republic, I may state, independently of any rights of intervention in particular matters which may arise out of the Articles of the Convention of 1844, Great Britain is justified, in the interests of South Africa as a whole, as well as of the peace and stability of the South African Republic, in tendering its friendly counsels as regards the Republic, who are mainly British subjects.

The list of grievances under which the Uitlanders labour is, already intimated, formidable in length and serious in nature. I cannot pretend to give an exhaustive statement of them. I do not wish to be understood as implying that every grievance has been at one time or another put forward on behalf of the Uitlanders as a grievance is a grievance in reality.

The first is the difficulty in obtaining naturalization and the second to which I have already alluded. This subject was discussed in the Governor's despatch of the 19th October, 1894, wherein, in the course of an opportunity occurring for the intervention of Her Majesty's Government, he set forth certain arguments and conclusions which I adopt. I agree with him in thinking that the case is well met by the grant of the franchise after a period of five years, with a modification of the oath of allegiance so as to remove what are felt to be objectionable features in it; and I may add what was pointed out by Lord Ripon, that the taking of such an oath, whatever way it may be framed, will, according to British law, actually deprive the person taking it of his status as a British subject.

Hardly less important than the franchise is the question of education.

Up to the present it seems to have been practically impossible for the children of Uitlanders to obtain efficient education in the State, or State-aided schools. I have strong hopes, however, that an understanding may be arrived at between the Government and those interested, as I gather that on the 30th and 31st of December the President and Executive Council made specific proposals on this and other points, which, if fulfilled, should go far towards meeting some of the Uitlanders' complaints.

Another further set of grievances are those connected with finance. It is maintained that the finances are mismanaged, and that there is no proper control and audit; that taxation is

maintained beyond the needs of the administration; that discrimination is shown in the collection of personal taxes; that import duties on the necessities of life are not only a hardship on the working class, but so raise the cost of the working of the mines as actually to be prohibitive of the working of the poorer classes, which, if the taxation were better apportioned to the ability to pay it, might be opened up to the general advantage.

37. Then, again, there seems to be a serious ground of grievance at least in theory, in the exceptional restrictions imposed upon the right of public meeting. As to this, however, I feel free to admit that, as far as the recent history of Johannesburg is concerned, these restrictions do not appear to have been very seriously interpreted.

38. The policy of granting State monopolies as regards the requisites and other important articles of commerce has given rise to much resentment, and, as regards some of them, it is difficult to see how even a plausible justification can be put forward. Viewed from the point of view of the interests of the general community.

39. As regards the grievances which have been put forward in connection with the labour question by the mining industry, I content myself, at this time, by expressing the hope that if there be an abatement of formalities and needless restrictions, by promoting the well-being of the natives when going to, remaining at, and returning from the mines, and by enforcing on them wise restrictions regarding drink and such matters, the labour supply can be enlarged and the condition of the labourers improved, the President and the Executive Council will not fail to give the question their earnest attention.

40. Of railway matters also I need say but little. I suppose that, looking to the large interest which the Government of the Republic has in the financial success of its railways, there is no any hesitation in redressing proved grievances or in adopting measures for the improvement of the personnel or the traffic, or other arrangements of the lines.

41. The only other matter of grievance on which I propose to touch now is the condition of the police force, as to which I may remark that the difficulties of the reforming party in the Volksraad and the Executive appear to arise from the strong prejudice of the more conservative of the burghers against employing Uitlanders, which would not be unworthy of sympathy were it not for the patent fact that a population like that of the burghers could not possibly be expected to furnish adequate material from which to select candidates for this department of the public service; and the difficulties about appointing foreigners amounts, and

ces, to a denial to the Uitlander community of what are primary rights which the governed may demand of those take to govern them.

thus enumerating and commenting on the grievances of ders, I am fully alive to the fact that their redress cannot lished without extensive changes in the law, the necessity may not be apparent to the more conservative section of ers, who may not have mastered the facts of the situation the growth of the large Uitlander community within the but I hope that even this section of the burghers will t enough from recent events to perceive that the true of their country lie in accepting proposals which will t causes of discontent, and disarm the agitation, which, utile it may have seemed when appealing inconsiderately trament of war, will always be a possible source of danger ent régime.

the preceding remarks I have suggested the natural and e remedies for the principal grievances of which the complain; but it has not escaped my notice that these arise in a limited area of the South African Republic— say, in the part occupied by the gold-mining industry. I that the conditions in the rest of the country are entirely and I can appreciate the difficulties of the President, who hat, if he were to meet the wishes of the Uitlanders, he rectly be the cause of subordinating the interests of the nd of the pastoral population to the interests of the Rand. gard to this, Her Majesty's Government have carefully whether it might not be possible to meet the complaints landers without in any way endangering the stability of tions of the Republic, or interfering with the ordinary t of the country and the administration of its general he burghers.

asing myself upon the expressed desire of President grant municipal government to Johannesburg, I suggest, sideration, as one way of meeting the difficulty, that the he Rand district, from end to end, should be erected into more than a municipality as that word is ordinarily d; that, in fact, it should have a modified local autonomy, rs of legislation on purely local questions, and subject to f the President and Executive Council; and that this legislation should include the power of assessing and own taxation, subject to the payment to the Republican nt of an annual tribute of an amount to be fixed at once d at intervals, so as to meet the case of a diminution or a the mining industry.

45. As regards judicial matters in such a scheme, the Rand the eastern provinces and the Kimberley district of the Cape might have a Superior Court of its own. It would, of course, be a feature of this scheme that the autonomous body should have control of its civil police, its public education, its mine revenue, and all other matters affecting its internal economy and its well-being. The Central Government would be entitled to maintain reasonable safeguards against the fomenting of a revolutionary movement, or the storage of arms for treasonable purposes within the district.

46. Those living in, and there enjoying a share in the government of, the autonomous district would not, in my view, be entitled to a voice in the general Legislature or the Central Executive Council at a presidential election. The burghers would thus be relieved of a fear which is evidently a haunting fear to many of them—although I believe to be unfounded one—that the first use which the enfranchisement of the comers would make of their privileges would be to upset the existing Republican form of government. Relieved of this apprehension, they should suppose that there would not be many of them who would refuse to deal with the grievances of the comparatively few landers outside the Rand on those liberal principles which have characterized the earlier legislation of the Republic.

47. The President may rest assured that in making the suggestions I am only actuated by friendly feeling towards the Government and the South African Republic. They are not offered in derogation of his authority, but as the sincere and friendly contribution of a subject to Majesty's Government towards the settlement of a question which continues to threaten the tranquillity of the Republic and the welfare and progress of the whole of South Africa.

48. A proper settlement of the questions at issue involves many matters of detail which could be more easily and satisfactorily settled by personal conference that I should be glad to have the opportunity of discussing the subject with the President. Should it be suited to his convenience, and were agreeable to him, to come to the country for the purpose. Should this be impracticable, I rely on you to make my views known to him and to carry on the negotiations.

49. You will observe that in this despatch I have said nothing as to the action of Dr. Jameson, and expressed no opinion of its moral and political aspects, although, so long as good could possibly be done thereby, I was not reticent in my expression to what I thought of his proceedings. The result is that he and those of his officers who seem to have shared in his counsels are about to appear before the Tribunals of this country to answer for their acts, and until those Tribunals have pronounced

and them it would be improper to say more upon the
I have, &c.,

J. CHAMBERLAIN.

*of the British Parliament, to grant certain Duties of
Customs and Inland Revenue.*

Vict., c. 24.]

[July 15, 1897.]

ious Sovereign,

your Majesty's most dutiful and loyal subjects, the
of the United Kingdom of Great Britain and Ireland,
ment assembled, towards raising the necessary supplies
your Majesty's public expenses, and making an addition to
e revenue, have freely and voluntarily resolved to give and
to your Majesty the several duties hereinafter mentioned,
therefore most humbly beseech your Majesty that it may be
and be it enacted by the Queen's Most Excellent Majesty,
with the advice and consent of the Lords Spiritual and
, and Commons, in this present Parliament assembled, and
thority of the same, as follows :—

Customs.

e duty of customs now payable on tea shall continue to be
levied, and paid on and after the 1st day of August, 1897,
1st day of August, 1898, on the importation thereof into
itain or Ireland (that is to say) :—
the lb., 4d.

ere shall be allowed on all roasted coffee exported, which is
d with chicory or any other substance, a drawback on every
lb. thereof equal to the import duty for the time being
of raw coffee, and the words "a drawback shall be allowed
asted coffee exported as ships' stores equal in amount to the
uty on raw coffee" contained under the head "coffee"
chedule to "The Customs Tariff Act, 1876," are hereby

e cases or packages of tobacco for the purpose of drawback
ction 1 of "The Manufactured Tobacco Act, 1863," as
by section 6 of "The Finance Act, 1896,"* and the packages
o for the purpose of exportation or removal under section 95
Customs Consolidation Act, 1876," shall weigh not less
b. gross weight, or such less weight as the Commissioners of
may permit; and accordingly—

* Vol. LXXXVIII, page 153.

(a.) The words "weighing not less than 80 lb. gross weight, or such less weight as the Commissioners of Customs may permit," shall be substituted for the words "containing not less than 80 lb. net weight of such tobacco" in section 1 of "The Manufacture of Tobacco Act, 1863," instead of the words substituted by section 6 of "The Finance Act, 1896;" and

(b.) The words "(not being less in any case, if the goods to be exported, or to be removed to another warehouse, than is required by law on the importation of such goods)" in section 95 of "The Customs Consolidation Act, 1876," shall not apply to tobacco and

(c.) Section 6 of "The Finance Act, 1896," from "and the word 'weighing'" down to "such tobacco" shall be repealed.

Income Tax.

4.—(1.) Income tax for the year beginning on the 6th day of April, 1897, shall be charged at the rate of 8d.;

(2.) All such enactments relating to income tax as were in force on the 5th day of April, 1897, shall have full force and effect with respect to the duties of income tax hereby granted;

(3.) The annual value of any property which has been adopted for the purpose either of income tax under Schedules (A) and (B) in "The Income Tax Act, 1853," or of inhabited house duty, during the year ending on the 5th day of April, 1897, shall be taken as the annual value of such property for the same purpose during the next subsequent year, provided that this section—

(a.) So far as respects the duty on inhabited houses in Scotland, shall be construed with the substitution of the 24th day of May for the 5th day of April; and

(b.) Shall not apply to the Metropolis, as defined by "The Valuation (Metropolis) Act, 1869."

5.—(1.) Where the total joint income of a husband and wife charged to income tax, by way either of assessment or deduction, does not exceed 500*l.* and upon a claim for exemption, relief, or abatement under the Acts relating to the income tax the Commissioners for general purposes of those Acts are satisfied that such total income includes profits of the wife from any business carried on or exercised by means of her own personal labour, and that the rest of the total income, or any part thereof, arises or accrues from profits of a business carried on or exercised by means of the husband's own personal labour, and unconnected with the business of the wife, they shall deal with such claim as if it were a claim in respect of the said profits of the wife, and a separate claim on the part of the husband in respect of the rest of the total income; but they shall deal with

of the husband arising or accruing from the business of or from any source connected therewith, as if it were part of the income of the wife;

In this section "business" means any profession, trade, occupation, or vocation, or any office or employment of profit; and "profits of a business" means any profits, gains, or remuneration arising or accruing from the business, and chargeable under Part (D) or Schedule (E) in "The Income Tax Act, 1853;"

Sub-section (2) of section 34 of "The Finance Act, 1894," is repealed, save as respects any income tax charged under any Act.

Excise.

(1.) Section 12 of "The Revenue Act, 1884" (which relates to the duty of tobacco in railway carriages under the licence of Commissioners of Inland Revenue) shall apply in the case of steam locomotives, tramway cars, and tramway carriages as it applies in the case of railway carriages, and shall apply to the proprietors of such omnibuses, tramway cars, or tramway carriages as it applies to the proprietors of railway carriages or to a Railway Com-

The expression "omnibus" in this section has the same meaning as in "The Town Police Clauses Act, 1889," and includes a "carriage" within the meaning of "The Metropolitan Public Carriage Act, 1869."

Nothing in "The Statute Law Revision Act, 1883," or "The Statute Law Revision Act, 1892," shall be deemed to have repealed any enactments so far as they are required for the purpose of giving effect to section 2 of "The Licensing (Scotland) Act,

Stamps.

Where, under the power conferred by any Act, any County Council or Municipal Corporation issue bills repayable not later than twelve months from their date, those bills shall, notwithstanding that by the same or any other Act they are charged or levied on any property, fund, or rate, and that the statutory charge is referred to in the bills, be treated for the purpose of "The Stamp Act, 1891," and the Acts amending that Act, as promissory notes, or as marketable securities.

General.

This Act may be cited as "The Finance Act, 1897."

ACT of the British Parliament, to prohibit the Importation of Foreign Prison-made Goods.

[60 & 61 Vict., c. 63.]

[August 6, 1897.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. There shall be added to the table of prohibitions and restrictions contained in section 42 of "The Customs Consolidation Act 1876," the following, that is to say:—

Goods proved to the satisfaction of the Commissioners of Customs, by evidence tendered to them, to have been made or produced, wholly or in part, in any foreign prison, gaol, house of correction, or penitentiary, except goods in transit, or not imported for the purposes of trade, or of a description not manufactured in the United Kingdom.

2. This Act may be cited as "The Foreign Prison-made Goods Act, 1897."

ACT of the British Parliament, to remove certain Exemptions from Compulsory Pilotage (Vessels on Voyages between Sweden and Norway and London).

[60 & 61 Vict., c. 61.]

[August 6, 1897.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. As from the 1st day of July, 1898, section 603 of "The Merchant Shipping Act, 1894,"* so far as it continues the exemptions granted by section 59 of the Act passed in the sixth year of King Geo. IV, chapter 125, and extended by the Order in Council of the 18th February, 1854, and the said Order in Council, shall cease to operate in the case of vessels on voyages between any port in Sweden or Norway and the Port of London.

2. This Act may be cited as "The Merchant Shipping (Exemption from Pilotage) Act, 1897."

* Vol. LXXXVI, page 633.

of the British Parliament, to amend "*The Merchant Shipping Act, 1894*," with respect to the Power of Detention undermanning.

Vict., c. 59.]

[August 6, 1897.]

enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, in this present Parliament assembled, and by the authority of the same, as follows :—

(.) Section 459 of "*The Merchant Shipping Act, 1894*"* gives power to detain unsafe ships), shall apply in the case of unseaworthiness, and accordingly that section shall be construed as if the words "or by reason of undermanning" were inserted therein after the word "machinery," and as if the words "or for ascertaining the deficiency of her crew" were inserted after the word "surveyed," and the words "or the manning of the ship" were inserted after the words "reloading of cargo," and the powers conferred under or for the purposes of that section shall include the power to muster the crew ;

Section 462 of "*The Merchant Shipping Act, 1894*" (which relates to foreign ships), shall also apply in the case of undermanning, and accordingly that section shall be construed as if the words "reason of undermanning" were inserted therein after the words "proper loading."

This Act may be cited as "*The Merchant Shipping Act,*"

BY ORDER IN COUNCIL, applying the 20th section of "*The Finance Act, 1894*," to the Province of Quebec, in the Dominion of Canada.—Osborne, January 15, 1897.

At Court at Osborne House, Isle of Wight, the 15th day of January, 1897.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Arthur Hill.

Lord Balfour of Burleigh.

ORDERED by the 20th section of "*The Finance Act, 1894*,"† that Her Majesty the Queen may, by Order in Council,

* Vol. LXXXVI, page 633.

† Vol. LXXXVII, page 669, foot-note.

apply that section to any British possession where Her Majesty is satisfied that, by the law of such possession, no duty is leviable in respect of property situate in the United Kingdom when passing on death;

And whereas Her Majesty is satisfied that by the law of the Province of Quebec, in the Dominion of Canada, no duty is leviable in respect of property situate in the United Kingdom when passing on death :

Now, therefore, Her Majesty, by virtue and in exercise of the power by the aforesaid Act in Her Majesty vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, that the 20th section of "The Finance Act, 1894," shall apply to the aforesaid Province of Quebec, in the Dominion of Canada.

C. L. PEEL

BRITISH ORDER IN COUNCIL, applying the 20th section of "The Finance Act, 1894," to the Province of New Brunswick, in the Dominion of Canada.—Windsor, February 26, 1897.

At the Court at Windsor, the 26th day of February, 1897.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Balfour of Burleigh.

Lord James of Hereford.

WHEREAS by the 20th section of "The Finance Act, 1894,"* it is enacted that Her Majesty the Queen may, by Order in Council, apply that section to any British possession where Her Majesty is satisfied that, by the law of such possession, no duty is leviable in respect of property situate in the United Kingdom when passing on death;

And whereas Her Majesty is satisfied that by the law of the Province of New Brunswick, in the Dominion of Canada, no duty is leviable in respect of property situate in the United Kingdom when passing on death :

Now, therefore, Her Majesty, by virtue and in exercise of the power by the aforesaid Act in Her Majesty vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby

* Vol. LXXXVII, page 669, foot-note.

that the 20th section of "The Finance Act, 1894," shall the aforesaid Province of New Brunswick, in the Dominion la.

C. L. PEEL.

SH ORDER IN COUNCIL, applying the 20th section The Finance Act, 1894," to the Colony of Labuan.— dsor, May 18, 1897.

at the Court at Windsor, the 18th day of May, 1897.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Earl of Kintore.

Duke of Norfolk.

Chief Justice Way.

WHEREAS by the 20th section of "The Finance Act, 1894,"* it is that Her Majesty the Queen may, by Order in Council, at section to any British possession where Her Majesty is that, by the law of such possession, no duty is leviable et of property situate in the United Kingdom when passing

; whereas Her Majesty is satisfied that by the law of the of Labuan no duty is leviable in respect of property situate nited Kingdom when passing on death :

, therefore, Her Majesty, by virtue and in exercise of the r the aforesaid Act in Her Majesty vested, is pleased, by and advice of her Privy Council, to order, and it is hereby that the 20th section of "The Finance Act, 1894," shall the Colony of Labuan.

C. L. PEEL.

* Vol. LXXXVII, page 669, foot-note.

BRITISH ORDER IN COUNCIL, applying "The Probates Act, 1892," to the North-West Territory Dominion of Canada.—Windsor, May 18, 1897.

At the Court at Windsor, the 18th day of May, 1897.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY

Lord President.

Earl of Kintore.

Duke of Norfolk.

Chief Justice Way.

WHEREAS by the 1st section of "The Colonial Probates Act, 1892,"* it is enacted as follows:—

"Her Majesty the Queen may, on being satisfied that the Legislature of any British possession has made adequate provision for the recognition in that possession of probates and administration granted by the Courts of the United Kingdom, by Order in Council that this Act shall, subject to any exceptions and modifications specified in the Order, apply to that possession and thereupon, while the Order is in force, this Act shall apply accordingly;"

And whereas Her Majesty is satisfied that the Legislature of the British possession hereinafter mentioned has made adequate provision for the recognition in that possession of probates and administration granted by the Courts of the United Kingdom

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the above-recited Act in Her Majesty vested, is pleased, and with the advice of her Most Honourable Privy Council, to order, that it is hereby ordered, as follows:—

"The Colonial Probates Act, 1892," shall apply to that possession hereunder mentioned:—

The North-West Territories being part of the Dominion of Canada.

And the Right Honourable Joseph Chamberlain, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. I.

* Vol. LXXXIV, page 700.

SH ORDER IN COUNCIL, for regulating Her Majesty's Jurisdiction in the East Africa Protectorate.—
Order, July 7, 1897.

at the Court at Windsor, the 7th day of July, 1897.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Royal Highness the Duke of Connaught and Strathearn.

Lord President.

Earl of Hopetoun.

Earl of Kintore.

Mr. Secretary Chamberlain.

WHEREAS by Treaty, grant, usage, sufferance, and other lawful means Her Majesty the Queen has power and jurisdiction within the territories comprised within the limits of this Order:

and therefore, Her Majesty, by virtue and in exercise of the power in this behalf by "The Foreign Jurisdiction Act, 1890,"* likewise, in Her Majesty vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:—

PART I.—*Preliminary.*

This Order may be cited as "The East Africa Order in 1897."

The limits of this Order are the territories comprised in the East Africa Protectorate, which includes the territories bounded on the north by the River Juba, on the east by the Indian Ocean, on the south by the German sphere, on the west by the Uganda Protectorate, and also all adjacent islands between the mouths of the Rivers Juba and Umba, but does not include the Islands of Pemba and Zanzibar.

Her Majesty is pleased to direct that any other territories, not being under the protection of Her Majesty, shall form part of the East Africa Protectorate, those territories shall, from and after the date fixed by an order of the Secretary of State, be deemed to be within the limits of this Order.

This Order is divided into Parts as follows:—

I. Preliminary.

II. Application and effect of Order.

III. Constitution of Courts.

IV. Application of law of British India and of the United Kingdom.

V. Criminal matters.

* Vol. LXXXII, page 656.

Part VI. Civil matters.

Part VII. Miscellaneous.

Part VIII. Repeal and Transitory Provisions.

3. In this Order—

(i.) "The Protectorate" means the territories for the time comprised in Her Majesty's East Africa Protectorate;

(ii.) "Zanzibar" means the dominions and territories of His Highness the Sultan of Zanzibar which are not comprised within the limits of this Order;

(iii.) "The Secretary of State" means one of Her Majesty's Principal Secretaries of State;

(iv.) "The Commissioner" means Her Majesty's Commissioner and Consul-General for the territories comprised within the limits of this Order, including a person acting temporarily, with the authority of the Secretary of State, as or for the Commissioner;

(v.) "British subject" includes a British-protected person, that is to say, a person who either (a) is a native of any of the territories of Her Majesty, and is temporarily in the East Africa Protectorate, or (b) by virtue of "The Foreign Jurisdiction Act, 1890," or otherwise, enjoys Her Majesty's protection in the East Africa Protectorate;

(vi.) "Resident" means having a fixed place of abode in the East Africa Protectorate;

(vii.) "Native" means a native of the Protectorate, not a British subject or a person of European or American parentage;

(viii.) "Foreigner" means a subject or citizen of a country in amity with Her Majesty, not being a native;

(ix.) "Native Court" means a Court for the administration of Justice to or between natives;

(x.) "Treaty" includes any Convention, Agreement, or Arrangement made with any State or Government, King, Chief, people, or community, made by or on behalf of Her Majesty, or to the benefit of which Her Majesty has succeeded;

(xi.) "Administration" means (unless a contrary intention appears from the context) letters of administration, including the same with will annexed, or granted for special or limited purposes, or limited in duration;

(xii.) "Ship" includes any vessel used in navigation, propelled, with her tackle, furniture, and apparel, and other equipment, or other craft;

(xiii.) "Offence" means any act or omission made punishable by any law for the time being in force;

(xiv.) "Imprisonment" means imprisonment of either kind, as defined in the Indian Penal Code;

"Month" means calendar month ;

"Will" means will, codicil, or other testamentary
t ;

"Person" includes Corporation ;

) "Full Court," with reference to the Court for Zanzibar,
at Court when constituted by the Judge and Assistant
thereof sitting together ;

Words importing the plural or the singular may be con-
referring to one person or thing, or to more than one
r thing, and words importing the masculine as referring
s (as the case may require).

.) Where this Order confers a power or imposes a duty,
r may be exercised and the duty shall be performed from
me as occasion requires ;

Where this Order confers a power or imposes a duty on the
an office, then, unless a contrary intention appears, the
ay be exercised and the duty shall be performed by the
the office for the time being, or by a person duly appointed
him ;

Where this Order confers a power to make rules, regulations,
s, the power shall be construed as including a power,
le in the like manner and subject to the like approval and
s (if any) to rescind, revoke, amend, or vary the rules,
ns, or orders.

PART II.—*Application and Effect of Order.*

ne powers conferred by this Order shall extend to the
and matters following in so far as by Treaty, grant, usage,
e, or other lawful means, Her Majesty has jurisdiction
n to such persons and matters, that is to say :—

British subjects ;

Foreigners ;

The property and all personal or proprietary rights and
s in the Protectorate of British subjects and foreigners,
g ships with their boats, and the persons and property on
ereof, or belonging thereto ; and

Natives, in the cases and according to the conditions
in this Order, and not otherwise :

ided that in the Zanzibar territory included within the
of this Order the said powers shall not extend to foreigners
r ships) being subjects of any Government which on the
of July, 1895, exercised any jurisdiction in that territory
to the jurisdiction conferred by this Order, unless that Govern-
all consent to the exercise of jurisdiction under this Order :

Provided also that jurisdiction over any foreign ships under this Article shall not be exercised otherwise than according to the practice of the High Court of England in the exercise of jurisdiction over foreign ships.

6. All Her Majesty's jurisdiction exercisable in the Protectorate for the hearing and determination of suits, or for the maintenance of order, or for the control or administration of persons or property, or in relation thereto, shall be exercised under and according to the provisions of this Order, so far as this Order extends and applies.

PART III.—*Constitution of Courts.*

7.—(1.) There shall be and there is hereby established a Court styled "Her Majesty's Court for East Africa," in this Order referred to as "the Protectorate Court" and "the Court;"

(2.) Subject to the other provisions of this Order, Her Majesty's jurisdiction in the Protectorate shall be, and is hereby, vested in the Protectorate Court;

(3.) The Protectorate Court shall ordinarily sit at Mombasa, but may also sit at any other place or places within the Protectorate appointed by the Commissioner, with the previous or subsequent consent of the Secretary of State;

(4.) The Protectorate Court shall be held by an officer, styled "Her Majesty's Judicial Officer for the East Africa Protectorate," in this Order referred to as "the Judicial Officer;"

(5.) A person appointed to be Judicial Officer must be a member of the Bar of England, Scotland, or Ireland, of not less than three years' standing. He shall be appointed by Her Majesty by warrant under the Royal Sign Manual;

(6.) The Judicial Officer shall hold office during the pleasure of Her Majesty, and, in the event of a revocation of his warrant, until such revocation is notified to him by the Secretary of State;

(7.) In case of the illness or temporary absence of the Judicial Officer, the Commissioner may appoint either a person qualified to be appointed Judicial Officer, or an officer employed in the civil administration of the Protectorate, to act as Judicial Officer;

(8.) Each of the Judges of the Court for Zanzibar shall be an additional Judicial Officer for the East Africa Protectorate, and when so acting may hold a Protectorate Court with the same powers, authority, and jurisdiction as the Judicial Officer, but shall not so act unless the Commissioner, having regard to the state of business in the Protectorate Court, requests him to act;

(9.) The Court shall have a seal bearing the style of the Court and a device approved by the Secretary of State; but until such a seal is provided, a stamp bearing the words "East Africa Court" may be used instead thereof.

ect to the directions of the Secretary of State, the Com-
may appoint such and so many persons to be clerks,
erpreters, and other officers of the Court as he thinks fit,
e from office any person so appointed.

icer of the Court designated on this behalf by the Com-
may administer oaths, and take affidavits, declarations, and

s.

vincial Courts shall be held at such places, for such areas,
uch officers of the Protectorate or other persons as the
f State may appoint.

ecretary of State may direct that a Provincial Court shall
riminal jurisdiction only, or both criminal and civil juris-
nd subject to any such directions, and to any exceptions
tions made by the Secretary of State, a Provincial Court
ise the jurisdiction conferred by this Order on a Provincial
on persons appointed to hold such Courts.

ecretary of State may determine the description and
the officers to be attached to a Provincial Court, and the
their appointment and removal, and their duties and
on, and any matters incident to any of the above-
purposes.

e Court for Zanzibar shall have such appellate jurisdiction
o matters arising in the Protectorate as is provided by this

—*Application of Law of British India and of the United
Kingdom.*

.) Subject to the other provisions of this Order, and to
es for the time being in force relating to the Protectorate,
ty's criminal and civil jurisdiction in the Protectorate shall,
circumstances admit, be exercised on the principles of, and
nity with, the enactments for the time being applicable,
fter mentioned, of the Governor-General of India in
nd of the Governor of Bombay in Council, and according
rse of procedure and practice observed by, and before, the
the Presidency of Bombay beyond the limits of the
original jurisdiction of the High Court of Judicature at
according to their respective jurisdiction and authority,
as such enactments, procedure, and practice are inapplic-
be exercised under, and in accordance with, the common
e law of England in force at the commencement of this

e enactments mentioned in the Schedule to this Order are
de applicable to the Protectorate as from the commence-
is Order;

(c.) Any other existing or future enactments of the General of India in Council, or of the Governor of Bombay in Council, shall also be applicable to the Protectorate, but come into operation until such times as may, in the case of such enactments respectively, be fixed by the Secretary.

(d.) Any Act of the Governor-General of India in Council, or of the Governor of Bombay in Council, whether passed before the commencement of this Order, amending or substituting any Act of either of those Legislatures which is by or under this Order made applicable to and brought into operation in the Protectorate, shall, subject to the provisions of this Article, also be applicable to the Protectorate;

(e.) For the purpose of facilitating the application of the enactments as before mentioned—

(i.) The Court may construe any such enactment, and make such alterations not affecting the substance, as may be necessary for the proper adaptation of the same to the matter before the Court;

(ii.) The Secretary of State may by order direct the exercise of any authority, jurisdiction, powers, or duties incident to the operation of any such enactment, and for the exercise or performance of which no convenient provision has been otherwise made, shall be exercised or performed;

(iii.) The Secretary of State may by order modify the purposes of this Order, any provision of any of the said enactments, or of any amending or substituted enactment relating to criminal procedure, or to procedure in bankruptcy;

(iv.) Any order of the Secretary of State made in pursuance of this Article shall be published in the Protectorate and in such manner as he directs, and shall have effect as from a date specified in the order.

12. The enactments described in the First Schedule to the "Foreign Jurisdiction Act, 1890," shall apply to the Protectorate as if it were a British Colony or possession, but subject to the provisions of this Order, and to the exceptions, adaptations, and modifications following, that is to say:—

(i.) The Commissioner is hereby substituted for the Governor of a Colony or British possession, and the Protectorate Court is substituted for a Superior Court or Supreme Court, a District Court, Magistrate or Justice of the Peace of a Colony or British possession;

(ii.) For the portions of the Merchant Shipping Acts, 1867, referred to in the said Schedule shall be substituted the portions of "The Merchant Shipping Act, 1894;"*

(iii.) In section 51 of "The Conveyancing (Scotland) Act, 1894,"

* Vol. LXXXVI, page 900.

actment for the time being in force amending the same
 torate Court is substituted for a Court of Probate in a

With respect to "The Fugitive Offenders Act, 1881"—
 much of the 4th and 5th sections of the said Act as relates
 a report of the issue of a warrant, together with the
 , or a copy thereof, or to the sending of a certificate
 al and report of a case, or to the information to be given
 strate to a fugitive, shall be excepted, and in lieu of such
 n, the person acting as the Magistrate shall inform the
 at in the British possession or Protectorate to which
 conveyed he has the right to apply for a writ of *habeas*
 ther like process;

much of the 6th section of the said Act as requires the
 of fifteen days before issue of warrant shall be excepted;
 e Commissioner shall not be bound to return a fugitive
 a British possession unless satisfied that the proceedings
 his return are taken with the consent of the Governor
 session;

or the purposes of Part II of the said Act, the Protec-
 azibar, the Uganda Protectorate, British India, Mauritius
 tish possessions and Protectorates in Africa south of the
 shall be deemed to be one group of British possessions.

e Secretary of State may, by order published in such
 he directs, declare that any of the Laws or Ordinances
 e being in force in any African possession of Her Majesty,
 inconsistent with this Order, shall have effect and be
 ed in the Protectorate, with such modifications or adapta-
 ay be necessary; and thereupon such Laws or Ordinances
 lified or adapted shall have effect as if they had been
 this Order.

PART V.—*Criminal Matters.*

Subject to the other provisions of this Order, the Code
 al Procedure and the other enactments relating to the
 tion of criminal justice in India for the time being
 to the Protectorate shall have effect as if the Protectorate
 trict of a Presidency of India; and every officer appointed
 Provincial Court under this Order shall be deemed to be a
 of the Second Class; the Judicial Officer shall be deemed
 have the powers of Sessions Judge; the full Court
 ar shall be deemed to be the High Court; and the powers
 e Governor-General in Council and of the Local Govern-

ment under those enactments shall be exercisable by the State, or, with his previous or subsequent assent, by the Commissioner.

15. When any person is committed to the Court for trial, the Court shall, in accordance with any arrangements made by the Commissioner in this behalf, send him to Zanzibar for trial, and shall bind over such of the proper witnesses as are British subjects or foreigners, or any of them, in their own recognizances, to appear and give evidence on trial.

16. If any person subject to this Order smuggles or imports into, or exports from the Protectorate any goods whereon any duty is charged or payable to the Government of the Protectorate, with intent to evade payment of the duty, he shall be punished by imprisonment for a term which may extend to two months, or by a fine which may extend to 1,000 rupees, or with both.

17. Any act which, if done in British India, would be an offence against the law for the time being in force in British India, including trade-marks, merchandize marks, copyright, designs, or inventions, shall, if done in the Protectorate by a person subject to this Order, be an offence, whether such act is done in relation to any property or right of a person subject, or of a person not subject, to this Order, and any person convicted of such offence shall be punished by imprisonment for a term which may extend to two months, or by a fine which may extend to 1,000 rupees, or with both.

18.—(1.) In cases of murder or culpable homicide, if a person dies of death or the criminal act which wholly or partly caused the death happened in the Protectorate, a Court acting under this Order shall have the like jurisdiction over any person subject to this Order who is charged either as a principal offender or as an abettor in the criminal act and the death had happened in the Protectorate.

(2.) In the case of any offence committed on the high seas, or within the Admiralty jurisdiction, by any person subject to this Order who at the time of committing such offence was on board a British ship, or on board a foreign ship to which he did not belong, a Court acting under this Order shall have jurisdiction over such person if the offence had been committed within the Protectorate;

(3.) In cases tried under this Article no different sentence shall be passed from the sentence which could be passed in England if the offence were tried there.

19.—(a.) The Commissioner may, if he thinks fit, by Order, prescribe the manner in which, and the places in the Protectorate at which, sentences of imprisonment are to be carried out, and execution;

(b.) The Commissioner may, if he thinks fit, in any case, by warrant under his hand and official seal, cause an offender

enced to imprisonment before the Court to be sent and to, and imprisoned in, any place either in the Protectorate or Zibar.

Where an offender convicted before the Court is sentenced to imprisonment, and the Commissioner, proceeding under section 7 of the Foreign Jurisdiction Act, 1890," authority in that behalf hereby given to him, considers it expedient that the sentence be carried into effect within Her Majesty's dominions, there shall be a place in some part of Her Majesty's dominions out of the United Kingdom, the Government whereof consents that the offender may be sent thither under this Article.

1.) Where it is shown by evidence on oath, to the satisfaction of the Commissioner, that any person subject to this Order has committed, or is about to commit, an offence against this Order, or is conducting himself so as to be dangerous to peace and order in the Protectorate, or is endeavouring to excite enmity against the people of the Protectorate and Her Majesty, or is acting against Her Majesty's power and authority in the Protectorate, the Commissioner may, if he thinks fit, by order under his official seal, prohibit that person from being in the Protectorate for any time therein specified not exceeding two years; and if the person named in the order of prohibition fails to obey, he shall be in contravention of the order—

and he shall be guilty of an offence against this Order, and, on conviction thereof, shall be liable to imprisonment for any time not exceeding two years, without prejudice to the operation of the order of prohibition;

Whether the offender has been convicted of, or imprisoned for, an offence or not, the Commissioner may, if he thinks fit, under his hand and official seal, authorize and direct that he be taken into custody, and be removed in custody to some place named in the order of removal, being a place to which a person can be deported by this Order beyond the limits specified in the order of prohibition;

The offender shall be taken into custody and removed to the place named in the order of removal, and in such removal force may be used if necessary; and he shall be discharged from custody at the place named in the order of removal;

In any case in which the Commissioner can, under this Order, make an order of prohibition, he may, if he thinks fit, in lieu of making an order of prohibition, make and execute an order of deportation in like manner, and with all the like consequences, as an order of deportation by this Order be made and executed in the case of a person convicted of an offence, has failed to give security for good behaviour;

(4.) An appeal shall not lie against an order of prohibition, removal, or deportation made under this Order ;

(5.) The Commissioner, by order under his hand and official seal, may vary any order of prohibition (not extending the date thereof), and may revoke any order of prohibition or removal.

(6.) The Commissioner shall forthwith report to the Secretary of State every order made by him under this Article, and the grounds thereof, and the proceedings thereunder.

22. Where a person subject to this Order is convicted of an offence, the Court before which he is convicted may, if it thinks fit, require him to give security to the satisfaction of the Court for his future good behaviour, and for that purpose may, if it thinks fit, cause him to come or be brought before the Court.

23.—(a.) If any person required by an order under the preceding Article, or under the law relating to criminal procedure for the time being in force, to give security for good behaviour or for keeping the peace, fails to do so, the Court may, if it thinks fit, with the approval of the Commissioner, order that he be deported from the Protectorate ;

(b.) The Court, on making an order of deportation, shall make with report to the Commissioner the order and the grounds thereof.

(c.) Thereupon the person ordered to be deported shall, if the Commissioner thinks fit, be, as soon as practicable, and in the case of a person convicted, either after execution of the sentence, or while it is in course of execution, removed in custody, under the warrant of the Commissioner, to the place named in the warrant ;

(d.) The place shall be a place in that part (if any) of Her Majesty's dominions out of the United Kingdom to which the person belongs, or in some other part of those dominions, the Government whereof consents to the reception therein of persons deported under this Order, or a place under the Protectorate of Her Majesty or in the country out of Her Majesty's dominions to which the person belongs ;

(e.) The Court, on making an order of deportation, may, if it thinks fit, order the person to be deported to pay all or any of the expenses of his deportation, to be fixed by the Court by order ;

(f.) The Commissioner shall forthwith report to the Secretary of State every order of deportation made under this Order, and the grounds thereof, and the proceedings thereunder ;

(g.) If a person deported under this Order returns to the Protectorate without permission in writing of the Commissioner or the Secretary of State, he shall be punished with imprisonment for which may extend to two months, or with fine which may extend to 1,000 rupees, or with both ;

shall also be liable to be again deported under the new order, and a fresh warrant of the Commissioner. Where a person entitled to appeal to the Court for Zanzibar judgment or order passed in the exercise of criminal jurisdiction under this Order desires so to appeal, he shall present a petition of appeal to the Protectorate Court, and the Petition shall, as soon as practicable, be transmitted by the Protectorate Court for Zanzibar with certified copies of the charge and proceedings, of all documentary evidence admitted or excluded, of the depositions, of the notes of the oral testimony, and of the judgment or order, and any argument on the Petition of appeal, at the appellant desires to submit to the Court for

The Protectorate Court shall postpone the execution of the sentence pending the appeal, and shall, if necessary, commit the appellant to prison for safe custody, or detain him in prison for safe custody, or shall admit him to bail, and may take security, by bond, or deposit of money, or otherwise, for his payment of any

(2.) Where, under this Order, a person is to be sent, or deported from the Protectorate, he shall, by warrant of the Commissioner under his hand and seal, be detained, if necessary, in prison, or in prison, until a fit opportunity for his removal occurs, and then, if he is to be deported beyond sea, shall be sent on board one of Her Majesty's vessels of war, or, if none is available, then on board some other British or other fit vessel; the warrant of the Commissioner shall be sufficient authority for the person to whom it is directed or delivered for execution, and the commander or master of the vessel, to receive and detain the person therein named, in the manner therein prescribed, and to remove, and carry him to the place therein named, according to the warrant;

In a case of sending or removal for any purpose other than deportation, the warrant of the Commissioner shall be issued in duplicate, and the person executing it shall, as soon as practicable after arrival at the place therein named, deliver, according to the order, with one of the duplicates of the warrant, to a constable, or other officer of police or keeper of a prison, or other proper person, or person there, the person named in the warrant, to be executed on the order of the proper Court or authority there, or otherwise dealt with according to law.

Where a warrant or order of arrest is issued by a competent authority in Zanzibar or in the Uganda Protectorate for the apprehension of a person who is accused of crime committed in Zanzibar or Uganda, and who is, or is supposed to be, within the

East Africa Protectorate, and that warrant or order is presented to any Court acting under this Order, the Court may back the warrant or order, and the same, when so backed, shall be subject to the authority to any person to whom it was originally directed, and to any constable or officer of the Court by whom it is backed, to apprehend any person named on the back of the warrant or order, to appear before the accused person at any place within the limits of this Order, and to carry him to and deliver him up within the jurisdiction of the authority issuing the warrant or order.

28. The Commissioner, and every Sub-Commissioner, District Officer, and Assistant District Officer respectively, shall have the powers, power and jurisdiction appertaining to the office of a Justice of the Peace.

PART VI.—*Civil Matters.*

29. The Protectorate Court shall hear and determine all questions, claims, or disputes in which the defendant or any defendant is a person subject to this Order.

30. Subject to the other provisions of this Order, the Civil Procedure, "The Bombay Civil Courts Act, 1869," the Succession Act, and the other enactments relating to the administration of civil justice for the time applicable to the Protectorate shall have effect as if the Protectorate were a district in the Presidency of Bombay; the Judicial Officer shall be deemed to be the District Judge of the district, and the Protectorate Court the District or Principal Civil Court of Original Jurisdiction in the district; the Court for Zanzibar shall be deemed to be the highest Civil Court of Appeal for the district, and the Court authorized to hear appeals from and to revise the decisions of the District Court; and the powers, both of the Governor-General in Council and the Government, under those enactments, shall be exercisable by the Secretary of State, or, with his previous or subsequent assent, by the Commissioner.

Every Provincial Court constituted by this Order, and authorized to exercise civil jurisdiction, shall, subject to any directions of the Secretary of State, exercise the powers of a Court for small causes under the Civil Procedure Code.

31. The following enactments of "The Colonial Courts of Admiralty Act, 1890,"* that is to say, section 2, sub-sections (4), sections 5 and 6, section 16, sub-section (3), shall apply to the Protectorate Court as if in the said sections the said Court

* Vol. LXXXII, page 672.

in lieu of a Colonial Court of Admiralty, and the Protector to in lieu of a British possession.

.) The Court shall endeavour to obtain, as early as may be, the death of every person subject to this Order dying in the Protectorate leaving property to be administered, and all such persons as may serve to guide the Court with respect to the administration of his property ;

on receiving notice of the death of such a person, the Court shall put up a notice thereof at the Court-house, and shall remain there until probate or administration is granted, and if it appears to the Court that probate or administration cannot be applied for, or cannot be granted, for such time as it

The Court shall, where the circumstances of the case appear to require, as soon as may be, take possession of the property in the Protectorate of the deceased, or put it under its seal (in either case of immovable property or other circumstances so require, and make an inventory), and so keep it until it can be dealt with according to law ;

and the expenses incurred by the Court in so doing shall be the charge on the property of the deceased, and the Court shall, by the sale of the property, or part thereof, or otherwise, provide for the payment of these expenses.

Where a person subject to this Order dies in the Protectorate leaving property, his property shall, until administration is granted, vest in the Protector or Officer.

Where a person named executor in a will, to the establishment of which, as such, it is necessary to obtain probate of that will, or the execution of, and administers or otherwise deals with, any part of the property of the deceased, and does not obtain probate within the month after the death, or after the termination of any period respecting probate or administration, he shall be liable to be punished with fine, which may extend to 1,000 rupees.

Where any person, other than the person named executor, or the Protector, or a person entitled to represent the deceased without obtaining probate or letters of administration, or an officer of the Court takes possession of and administers, or otherwise deals with, any part of the property of the deceased, he shall, as soon as he becomes aware of the fact and the circumstances to the Court, and shall, as soon as possible, notify the fact and the circumstances to the Court, and shall furnish to the Court all such information as the Court requires, and shall conform to any directions of the Court in relation to the management, custody, disposal, or transmission of the property, or the execution of the will, and, in case of any contravention of this Article, he shall be liable to be punished with fine, which may extend to 1,000 rupees.

36.—(1.) When the peculiar circumstances of the case require the Court so to require, for reasons recorded in its proceedings, the Court may, if it thinks fit, of its own motion, or on the application of any party, grant letters of administration to an officer or practitioner of the Court;

(2.) The person so appointed shall act under the direct authority of the Court, and shall be indemnified thereby; and, if he is a person not subject to the jurisdiction of the Court, he shall not act otherwise than as administrator in relation to the estate;

(3.) He shall publish such notices, if any, as the Court may think fit, in the Protectorate, Zanzibar, the United Kingdom, or elsewhere;

(4.) The Court shall require and compel him to file, in the office of the Court, his accounts of his administration, at intervals not exceeding three months;

(5.) The accounts shall be audited under the direction of the Court;

(6.) All expenses incurred in behalf of the Court in executing this Article shall be the first charge on the estate of the debtor in the Protectorate; and the Court shall, by the sale of the assets, or otherwise, provide for the discharge of those expenses.

37.—(a.) Every agreement for reference to arbitration entered into by a person subject to this Order is a party, may, on the application of any party, be filed for execution in the proper office of the Court;

(b.) The Court shall thereupon have authority to enforce the agreement, and the award made thereunder, and to control and regulate the proceedings before and after the award, in such manner and on such terms as the Court may think fit.

38.—(a.) Where it is desired to commence a suit in which one party is, and the other is not, a person subject to this Order, the Court shall entertain the same, and shall hear and determine it.

(b.) Provided that the person not subject to this Order, if required by the Court, first obtains and files in the proper office of the Court the consent, in writing, of the competent authority (or authorities) on behalf of his own nation, to his submitting, and the submission, to the jurisdiction of the Court, and, if required by the Court, gives security to the satisfaction of the Court, and of a reasonable amount as the Court thinks fit, by deposit or otherwise, to pay fees, costs, and damages, and abide by, and permit execution of its decision to be given by the Court or on appeal;

(c.) A cross-suit shall not be brought in the Court by a plaintiff, being a person not subject to this Order, who has not obtained the jurisdiction, by a defendant without leave of the Court, obtained; but the Court may, as a condition of entertaining

suit, require his consent to any cross-suit or matter being entertained by the Court; the Court, before giving leave, may require proof from the defendant that his claim arises out of the matter in dispute, and that there is reasonable ground for it, and that it is not made for vexation.

Nothing in this Article shall prevent the defendant from bringing a cross-suit in the Court, against a person not subject to this Order, in any action or matter in which the latter is plaintiff, any cross-suits had been inserted in this Order;

Where a person not subject to this Order obtains an order against a defendant being a person subject to this Order in another suit the latter is plaintiff and the former defendant, the Court may, if it thinks fit, on the application of the defendant, stay the enforcement of the Order in that other suit, and may set off any amount ordered to be paid by one party in one action against any amount ordered to be paid by the other party in the other action;

Where the plaintiff, being a person not subject to this Order, obtains an order in the Court against two or more defendants being persons subject to this Order, and in another suit one of the defendants is plaintiff and the first-mentioned plaintiff is defendant, the Court may, if it thinks fit, on application, stay the enforcement of the first order pending that other action, and may set off any amount to be paid by one party in one action against any amount to be paid by the other party in the other action, without prejudice to the right of the plaintiff in the second suit to obtain satisfaction from his co-defendants in the first suit.

(c.) Where any person entitled to appeal to the Court from any decree or order made by the Protectorate in the exercise of civil jurisdiction under this Order desires so to do, he shall present his Memorandum of Appeal to the Protectorate, and, subject to the provisions hereinafter contained, shall receive the same for transmission to the Court for a manner hereinafter provided;

The appellant shall, within such time as the Court directs, satisfy to the satisfaction of the Court, and to such amount as the Court thinks reasonable, for prosecution of the appeal, and for any costs that may be ordered by the Court for Zanzibar, the sum to be paid by the appellant;

The appellant shall pay into the proper office of the Protectorate such sum as the Court thinks reasonable, to defray the cost of the making up and transmission to the Court for Zanzibar of the appeal.

40. The appellant may, with his Memorandum of Appeal, submit an argument which he desires to submit to the Court for support of the appeal.

41.—(a.) The Memorandum of Appeal and the argument shall be served on such persons as respondents as the Court directs ;

(b.) A respondent may, within seven days after service on the Protectorate Court such arguments as he desires to submit to the Court for Zanzibar against the appeal ;

(c.) Copies thereof shall be furnished by the Protectorate Court to such persons as that Court thinks fit.

42.—(a.) On the expiration of the time for the respondent to submit his argument, the Protectorate Court shall, without the consent of any party, make up the record of appeal, which shall contain the Memorandum of Appeal and the arguments (if any), and copies of the following, namely, the plaint, written statement (if any), all proceedings, all written and documentary evidence admitted or tendered, the notes of the oral evidence, the judgment, decree or order ;

(b.) The several pieces shall be fastened together and numbered, and the whole shall be secured by the seal of the Court and be forthwith forwarded to the Court for Zanzibar ;

(c.) The Court may, if for special reasons it seems fit, permit a portion of the documentary evidence in original to be retained at Zanzibar.

PART VII.—*Miscellaneous.*

43.—(1.) Notwithstanding anything in this Order, the Protectorate Court or a Provincial Court shall not exercise any jurisdiction in any proceeding whatsoever over the Commissioner or over his other residences, or his official or other property ;

(2.) Notwithstanding anything in this Order, the Protectorate Court or a Provincial Court shall not exercise, except with the consent of the Commissioner, signified in writing to the Commissioner, jurisdiction in a civil action or proceeding over any person to or being a member of Her Majesty's Consulate-General at Zanzibar, Protectorate, or being a domestic servant of the Commissioner ;

(3.) If, in any case under this Order, it appears to the Court that the attendance of the Commissioner, or of any person to or being a member of Her Majesty's Consulate-General at Zanzibar, or a domestic servant of the Commissioner, to give evidence before the Court, is requisite in the interest of justice, the Court may require the Commissioner a request in writing for such attendance ;

(4.) A person attending to give evidence before the

pelled or allowed to give any evidence or produce any
f, in the opinion of the Commissioner, signified by him
or in writing to the Court, the giving or production
ld be injurious to Her Majesty's service ;

s Article shall not operate in bar of any proceeding
Commissioner in his official capacity, where it is sought
any liability of the Government of the Protectorate.

ject to the approval of the Secretary of State, the Court
he approval of the Court for Zanzibar, frame rules of
nd other rules, consistent with this Order, for the better
f the provisions herein contained in respect of civil or
ceedings, and for regulating the conditions on which
er than parties may be permitted to practise as advocates
s in any Court, and for suspending or excluding (subject
of appeal to the Secretary of State) such persons from
case of misconduct : provided that any scale of remunera-
y such rules shall have been sanctioned by the Treasury.

e Commissioner may make Regulations (to be called
regulations) for the following purposes, that is to say :—
the regulation of all matters relating to customs, inland
ost-office, land, highways, railways, money, agriculture,
health ;

r the establishment of a constabulary or other force to be
n the maintenance of order or (either within or without
f this Order) in defence of the Protectorate ;

r securing the observance of any Treaty for the time
ce relating to the Protectorate, or of any native or local
om ; and

generally for the peace, order, and good government of
torate in relation to matters not provided for in this

regulations under this Article may provide for forfeiture of
receptacles, or things in relation to which, or to the
which, any breach is committed of such regulations, or
aty, or any native or local law or custom, the observance
provided for by the regulations.

regulations under this Article shall, when allowed by the
of State, and published as he directs, have effect as if
n this Order : Provided that in case of urgency declared
h regulations, the same shall take effect before such
and shall continue to have effect unless and until they are
by the Secretary of State, and until notification of such
ce is received and published by the Commissioner, and
owance shall be without prejudice to anything done or
der such regulations in the meantime.

Any breach of the regulations shall be an offence against the Order, and any person guilty thereof shall, on conviction, be liable to a fine which may extend to 1,000 rupees, or to imprisonment which may extend to two months, or both, in addition to the forfeiture as aforesaid.

46. The Commissioner may also make Queen's Regulations for the governance, visitation, care, and superintendence of prisoners in the Protectorate, and for the infliction of corporal or other punishment on prisoners committing offences against the Prisons Regulations.

Any regulations under this Article shall, when allowed by the Secretary of State, have effect as if contained in this Order. Copies thereof shall be exhibited in every prison to which they apply in such manner as the Commissioner may direct.

Any breach of regulations under this Article, committed by an officer of a prison, or by any other person (not being a prisoner), shall be punishable in like manner as a breach of Queen's Regulations, under the last preceding Article.

47.—(a.) From and after the commencement of any rules made as in this Article mentioned, a non-testamentary instrument to which any person subject to this Order is a party, purporting to operate to create, declare, assign, limit, or extinguish, whether vested or contingent, in the present or in future, any right, title, or interest, whether vested or contingent, in, or over immovable property situate in the Protectorate, shall not affect any immovable property comprised therein, or be received as evidence of any transaction affecting such property, unless it has been registered at such time and place as may be prescribed in such manner as may be prescribed by rules made by the Commissioner and approved by the Secretary of State, and for so long as being in force;

(b.) Provided that nothing in this Article shall make any instrument inadmissible in evidence in any criminal proceedings.

48.—(a.) The Commissioner may, with the approval of the Secretary of State and concurrence of the Treasury, make rules imposing fees leviable in respect of any proceedings in, or in connection with, any Court established under this Order, and in respect of the registration of any instrument under this Order;

(b.) But the Court may in any case, if it thinks fit, on account of the poverty of a party, or for any other reason, dispense in whole or in part with the payment of any fee chargeable in respect of any such matter;

(c.) The Court shall in every such case forthwith report to the Commissioner, and he shall give such directions thereon as he thinks fit;

(d.) Nothing in this Order shall affect any Order in

a Table of Fees to be taken by Consular officers; and, if a fee is taken under that Order, no fee shall be taken in the same matter under this Order.

(c.) All fees, charges, expenses, costs, fines, damages, and penalties payable under this Order, or under any law made by this Order, may be enforced under order of the Court for the attachment and sale of goods, and, in case of deficiency, by a writ which may extend to one month;

(d.) Any bill of sale or mortgage, or transfer of property, made with a view of avoiding such attachment or sale, shall not be valid as to defeat the provisions of this Order;

(e.) All fees, penalties, fines, and forfeitures levied under this Order shall be paid to the public account, and shall be applied in the same manner as the Secretary of State, with the consent of the Treasury, may direct.

(f.) Subject to the other provisions of this Order, all expenses of maintaining prisoners and others, and the expenses of deportation and the sending of any person to Zanzibar, or to any part of Her Majesty's dominions or Protectorates, including expenses of maintenance, shall be defrayed in such manner as the Secretary of State, with the concurrence of the Treasury, directs.

(g.) Every criminal charge against a native, and every civil action against a native, except a proceeding in which the native is a party, shall be heard and determined by a person subject to this Order, shall be heard and determined in the proper Native Court, and the Protectorate shall not exercise any jurisdiction therein.

(h.) The Commissioner may, with the consent of the Secretary of State, make rules and orders for the administration of justice in the courts, and in particular may thereby—

(i.) Establish or abolish any Native Court;

(j.) Define the local limits within which any Native Court is to exercise jurisdiction;

(k.) Alter or modify the operation of any native law or custom in so far as may be necessary in the interests of humanity and good order.

(l.) Regulate the jurisdiction of and procedure in Native Courts.

(m.) Make such provision as seems fit for the rehearing of cases, the revision of sentences, and the hearing of appeals from Native Courts.

(n.) For any of the purposes aforesaid, or for any other purposes, the Secretary of State may direct that any law of British India, or of the United Kingdom, or of any African possession of Her Majesty, shall apply to the Protectorate.

* See Regulations, page 422.

to and be administered in Native Courts with such exceptions and modifications as may seem proper.

53.—(a.) Where it is proved that the attendance of a person subject to this Order to give evidence, or for any other purpose connected with the administration of justice, is required before a Native Court, the Protectorate Court may, if it thinks fit, in cases and in circumstances in which the Protectorate Court would require the attendance of that person before itself, order that he do as required. The order may be made subject to conditions of payment or tender of expenses or otherwise;

(b.) If the person ordered to attend, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the Protectorate Court, or if, when so attending to give evidence, he wilfully gives false evidence, or refuses to be sworn or to give evidence, he shall, independently of any other liability, be liable to be punished with imprisonment for a term which may extend to two months, or with fine which may extend to 1,000 rupees, or with both.

54. If a person subject to this Order—

(i.) Wilfully obstructs, by act or threat, a Native Court in the performance of its duty; or

(ii.) Within or close to the room or place where such a Court is sitting wilfully misbehaves in a violent, threatening, or disrespectful manner, to the disturbance of the Court or to the intimidation of suitors or others resorting to the Court; or

(iii.) Wilfully insults any member or officer of such a Court while he is going to, or returning from, any place of sitting or office of the Court;

He shall, on conviction before a Court established under this Order, be liable to be punished with imprisonment for a term which may extend to two months, or with fine which may extend to 1,000 rupees, or with both.

55.—(a.) If an officer of any Court employed to execute an order loses, by neglect or omission, the opportunity of executing it, then on complaint of the person aggrieved and proof of the fact to the satisfaction of the Court may, if it thinks fit, order the officer to pay the damages sustained by the person complaining, or part thereof;

(b.) The order may be enforced as an order directing payment of money.

56.—(a.) If a clerk or officer of any Court, acting under pretence of the process of authority of the Court, is charged with extortion or with not paying over money duly levied, or with other misconduct, the Court may, if it thinks fit, inquire into the charge in a summary way, and may for that purpose summon and enforce the attendance

necessary persons as in an action, and may make such order of payment of any money extorted, or for the payment over any money levied, and for the payment of such damages and costs as the Court thinks fit;

The Court may also, if it thinks fit, on the same inquiry, impose on the clerk or officer a fine not exceeding 50 rupees for each

A clerk or officer punished under this Article shall not, without the leave of the Protectorate Court, be liable to an action in respect of the same matter; and any such action, if already or afterwards begun, may be stayed by the Court in such manner and on such terms as the Court thinks fit;

Nothing in this Article shall be deemed to prevent any person from being prosecuted under any other law for any act or omission punishable under this Article, or from being liable under any other law to any higher punishment or penalty than that provided by this Article: provided that no person shall be punished twice for the same offence.

The Commissioner, or any officer of the Protectorate Government appointed by him in that behalf, may exercise any power conferred on any Justices of the Peace within Her Majesty's Colonies by any Act of Parliament, for the time being in force, relating to merchant seamen or the mercantile marine.

If a question arises whether any place is or is not within the scope of the Order for the purposes of this Order, it shall be referred to the Commissioner, and a certificate under his hand and seal shall be taken as conclusive on the question, and judicial notice thereof shall be taken by the Court constituted by or under this Order, and by the Courts of Zanzibar.

Not later than the 31st March in each year the Commissioner shall send to the Secretary of State a report on the operation of this Order up to, the 31st December in the previous year, showing for the last twelve months the number and nature of the proceedings criminal and civil, taken under this Order, and the result thereof, and the number and amount of fees received, and containing also a list of the British subjects, and such other information, as may be required in such form as the Secretary of State from time to time

PART VIII.—*Repeal and Transitory Provisions.*

On the commencement of this Order, the Zanzibar and Africa Orders in Council shall cease to apply to territories included within the limits of this Order.

(a.) Nothing in this Order shall—

affect the past operation of the Zanzibar and Africa Orders

in Council, or any regulation, rule, or appointment made, right, title, obligation, or liability accrued, or the validity or invalidity of anything done or suffered, under those Orders respectively, before the making of this Order;

(ii.) Interfere with the institution or prosecution of any proceeding or suit, criminal or civil, in respect of any offence committed against, or forfeiture incurred, or liability accrued under in consequence of any provision of those Orders respectively, or regulation made thereunder;

(iii.) Take away or abridge any protection or benefit given or to be enjoyed in relation thereto;

(b.) Every regulation, rule, appointment, and other thing made under any Article mentioned shall continue in force and have effect throughout the Protectorate as if this Order had not been made, but so that the same may be revoked, altered, or otherwise dealt with under this Order, as if it had been made or done under this Order.

62. Criminal or civil proceedings begun under the Zanzibar and Africa Orders, and pending at the commencement of this Order, shall, from and after that time, be regulated by the provisions of this Order, as far as the nature and circumstances of each case may admit.

63. This Order shall commence and have effect as follows:

(1.) As to the making of any warrant or appointment under this Order, immediately from and after the date of this Order;

(2.) As to the framing of rules of procedure or regulation, after the approval thereof by the Secretary of State, immediately from and after the date of this Order;

(3.) As to all other matters and provisions comprised and contained in this Order, immediately from and after the expiration of one month after this Order is first exhibited in the public office of the Protectorate at Mombasa; for which purpose the Commissioner is hereby required forthwith, on receipt by him of a copy of this Order, to affix and exhibit the same conspicuously in his office, and he is also hereby required to keep the same so affixed and exhibited during one month from the first exhibition thereof; notice of the time of such first exhibition shall, as soon thereafter as practicable, be published in Mombasa in such manner as the Commissioner directs; and, notwithstanding anything in this Order to the contrary, the time of the expiration of the said month shall be deemed to be the time of the commencement of this Order;

(4.) Proof shall not in any proceeding or matter be required that the provisions of this Article have been complied with, nor shall any act or proceeding be invalidated by any failure to comply with any of such provisions.

64. A copy of this Order shall be kept exhibited conspicuously

court and in the principal office of the Protectorate at
ed copies shall be provided and sold at such reasonable
the Commissioner directs.

the Most Honourable the Marquess of Salisbury, K.G., one
Majesty's Principal Secretaries of State, is to give the
directions herein.

C. L. PEEL.

SCHEDULE.

Indian Acts applied.

35 and 36 of 1858, relating respectively to lunatics and lunatic
Indian Penal Code (Act 45 of 1860).
Whipping Act, 1864" (Act 6 of 1864).
Indian Succession Act (Act 10 of 1865), except section 331.
h of "The Indian Post Office Act, 1866" (Act 14 of 1866), as relates
against the Post Office.
Indian Divorce Act (Act 4 of 1869), except so much as relates to
d nullity of marriage.
Bombay Civil Courts Act, 1869" (Act 14 of 1869), except sections 6,
33, 34, 38 to 43 (both inclusive), the last clause of section 19, and
two clauses of section 22.
Indian Evidence Act, 1872" (Act 1 of 1872).
Indian Contract Act, 1872" (Act 9 of 1872).
Indian Oaths Act, 1873" (Act 10 of 1873).
Indian Majority Act (Act 9 of 1875).
Indian Limitation Act, 1877" (Act 15 of 1877).
Transfer of Property Act, 1882" (Act 4 of 1882).
ode of Criminal Procedure (Act 10 of 1882), except Chapter 33.
ode of Civil Procedure (Act 14 of 1882).
Provincial Small Cause Courts Act, 1887" (Act 9 of 1887).
Indian Railways Act, 1890" (Act 9 of 1890).
Prevention of Cruelty to Animals Act, 1890" (Act 11 of 1890).
Land Acquisition Act, 1894" (Act 1 of 1894).

BRITISH ORDER IN COUNCIL, regulating the Exercise of Her Majesty's Jurisdiction in Zanzibar.—Windsor, July 1897.

At the Court at Windsor, the 7th day of July, 1897.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness the Duke of Connaught and Strathearn

Lord President.

Earl of Hopetoun.

Earl of Kintore.

Mr. Secretary Chamberlain

WHEREAS by Treaty, grant, usage, sufferance, and other means, Her Majesty the Queen has power and jurisdiction over the dominions of His Highness the Sultan of Zanzibar :

Now, therefore, Her Majesty, by virtue and in exercise of powers on this behalf by "The Foreign Jurisdiction Act, 1880" or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows :—

PART I.—*Preliminary.*

1. This Order may be cited as "The Zanzibar Order in Council, 1897."

The limits of this Order are the Islands of Zanzibar and Pemba, including the territorial waters thereof, and any islets within the waters, which islands and waters are in this Order (except where the context requires a different construction) included in the expression "Zanzibar."

2. This Order is divided into Parts as follows :—

Part I. Preliminary.

Part II. Application and effect of Order.

Part III. Constitution of Courts.

Part IV. Application of Law of British India and of the United Kingdom.

Part V. Criminal matters.

Part VI. Civil matters.

Part VII. Zanzibar and Foreign Subjects and Tribunals.

Part VIII. Miscellaneous.

Part IX. Repeal and Transitory Provisions.
Schedules.

this Order—

"The Secretary of State" means one of Her Majesty's Secretaries of State;

"Treasury" means the Commissioners of Her Majesty's

"The Consul-General" means Her Majesty's Consul for Zanzibar, including a person acting temporarily, with approval of the Secretary of State, as or for the Consul-

"British subject" includes a British-protected person, that is, a person—

Who, being a native of any place beyond the dominions of Her Majesty in Zanzibar, which is under the Protectorate of Her Majesty, is temporarily within the limits of this Order; or

Who, by virtue of "The Foreign Jurisdiction Act, 1890," or otherwise, enjoys Her Majesty's protection in Zanzibar;

"Resident" means having a fixed place of abode in Zanzibar;

"Zanzibar subject" means a subject of the Sultan of Zanzibar;

"Foreigner" means a subject or citizen of a State in which Her Majesty has no jurisdiction, other than Zanzibar;

"Zanzibar or Foreign Court" means a Court of the Sultan of Zanzibar, or of any foreign State in amity with Her Majesty, exercising lawful jurisdiction in Zanzibar, and includes a Judge or officer of such a Court;

"Treaty" includes any Convention, Agreement, or Arrangement made by or on behalf of Her Majesty with any State or Government, King, Chief, people, or tribe, whether the Sultan of Zanzibar is or is not a party thereto;

"Administration" means (unless a contrary intention appears in the context) letters of administration, including the same with a licence, or granted for special or limited purposes, or limited to a particular person;

"Ship" includes any vessel used in navigation, however small, with her tackle, furniture, and apparel, and any boat or craft;

"Offence" means any act or omission made punishable by any law for the time being in force;

"Imprisonment" means imprisonment of either description as defined in the Indian Penal Code;

"Month" means calendar month;

"Will" means will, codicil, or other testamentary instrument;

"Oath" or "affidavit" includes affirmation or declaration:

(xvii.) "Person" includes Corporation;

(xviii.) Words importing the plural or the singular construed as referring to one person or thing, or to more than one person or thing, and words importing the masculine as referring to females (as the case may require).

4.—(1.) Where this Order confers a power or imposes a duty, the power may be exercised and the duty shall be performed from time to time as occasion requires;

(2.) Where this Order confers a power or imposes a duty on the holder of an office, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed by the holder of the office for the time being, or by a person duly appointed to act for him.

(3.) Where this Order confers a power to make rules, regulations, or orders, the power shall be construed as including a power exercisable in the like manner, and subject to the like approval or conditions (if any), to rescind, revoke, amend, or vary the regulations, or orders.

PART II.—*Application and Effect of Order.*

5.—(1.) This Order extends to British subjects and to foreigners with respect to whom the Government whose subjects they are, by Treaty or otherwise, agreed with Her Majesty for, or consent to, the exercise of power or authority by Her Majesty; and the expression "person subject to this Order" shall be construed accordingly;

(2.) This Order also extends to—

(a.) The property and all personal or proprietary rights and liabilities in Zanzibar of persons subject to this Order;

(b.) British ships, with their boats, and the property on board thereof; and

(c.) Foreign ships belonging to persons who are, or if they were, in Zanzibar would be, persons subject to this Order, so, however, that jurisdiction over such foreign ships shall not be exercised otherwise than according to the practice of the High Court of England in the exercise of jurisdiction over foreign ships;

(3.) This Order also extends, in the cases and according to the conditions specified in this Order, to Zanzibar subjects and to foreigners not otherwise subject to this Order.

6. All Her Majesty's jurisdiction exercisable in Zanzibar for the hearing and determination of suits, or for the maintenance of law, or for the control or administration of persons or property, or in relation thereto, shall be exercised under and according to the provisions of this Order, so far as this Order extends and applies.

PART III.—*Constitution of Courts.*

There shall be, and there is hereby established, a Court of Britannic Majesty's Court for Zanzibar," hereinafter also as "the Court for Zanzibar" and "the Court;"

subject to the other provisions of this Order, Her Majesty's in Zanzibar shall be, and is hereby, vested in the Court

; members of the Court shall be the Judge and the Judge, but as respects the Assistant Judge, subject to the provisions of this Order and to such exceptions and directions as the Secretary of State from time to time thinks fit to make;

any person appointed to be Judge or Assistant Judge must be of the Bar of England, Scotland, or Ireland, and must be of not less than five years' standing on appointment as Judge, and of not less than three years' standing on appointment as Assistant

Judge and the Assistant-Judge shall be appointed by warrant under her Royal Sign Manual. Each of them shall hold office during the pleasure of Her Majesty, and may be removed by a revocation of his warrant, until such revocation is made by the Secretary of State;

in case of the illness or temporary absence of the Judge, the Consul-General may appoint either a person qualified to be Judge, or the Assistant Judge, or a person appointed to hold a subordinate Court under this Order, or a commissioned Consular officer, to act as Judge;

in case of the illness or temporary absence of the Assistant Judge, the Consul-General may appoint either a person qualified to be appointed Judge, or a person appointed to hold a subordinate Court under this Order, or a commissioned Consular officer, to act as Judge.

The Court shall have a seal bearing the style of the Court approved by the Secretary of State; but until such a seal is provided, a stamp bearing the words "Court for Zanzibar" shall be used instead thereof.

Subject to the directions of the Secretary of State, the Consul-General may appoint such and so many persons to be clerks, bailiffs, interpreters, and other officers of the Court as he thinks fit, and remove from office any person so appointed. The Registrar of the Court, and any other officer of the Court authorized in this behalf by the Consul-General, may administer oaths, take affidavits, declarations, and affirmations.

The Secretary of State may, if he thinks fit, appoint

subordinate Courts to be held at places in Zanzibar, and to appoint a competent person to hold any such Court, and to designate and with such remuneration as he may direct, and to assign to any such Court such of the powers and jurisdiction as the Order conferred on the Court for Zanzibar, to be exercised by the Court so constituted, as he may think fit, and may assign to each district in and for which each such Court shall act, and may determine the description and number of the officers to be attached to any such Court and the mode of their appointment and their duties and remuneration and any matters incidental to the above-mentioned purposes.

Any person appointed under the provisions of this Article shall be removable by authority of the Secretary of State.

PART IV.—*Application of Law of British India and of the United Kingdom.*

11.—(a.) Subject to the other provisions of this Order, the provisions of any Treaties for the time being in force relating to Zanzibar, and the exercise of His Majesty's criminal and civil jurisdiction in Zanzibar shall, so far as the circumstances admit, be exercised on the principles of, and in conformity with, the enactments for the time being applicable in the several Provinces hereinafter mentioned of the Governor-General of India in Council, and of the Governor of Bombay in Council, and according to the course of procedure and practice observed by, and before, the several Courts in the Presidency of Bombay beyond the limits of the original jurisdiction of the High Court of Judicature at Bombay, and according to their respective jurisdiction and authority, and as such enactments, procedure, and practice are inapplicable, shall be exercised under, and in accordance with, the common law of England in force at the commencement of this Order.

(b.) The enactments described in the First Schedule to this Order are hereby made applicable to Zanzibar;

(c.) Any other existing or future enactments of the Governor-General of India in Council, or of the Governor of Bombay in Council, shall also be applicable to Zanzibar, but shall not come into operation until such times as may in the case of any of such enactments respectively be fixed by the Secretary of State;

(d.) Any Act of the Governor-General of India in Council, or of the Governor of Bombay in Council, whether passed before or after the commencement of this Order amending or substituting any act of either of those Legislatures which is by or under this Order made applicable to and brought into operation in Zanzibar, shall, subject to the provisions of this Article, also be applicable to Zanzibar;

or the purpose of facilitating the application of any such as before-mentioned—

The Court may construe any such enactment, with such not affecting the substance, as may be necessary or adapt the same to the matter before the Court;

The Secretary of State may by order direct by what authority action, powers, or duties incident to the operation of any enactment, and for the exercise or performance of which no provision has been otherwise made, shall be exercised;

The Secretary of State may by order modify, for the purpose of this Order, any provision of any of the before-mentioned enactments, or of any amending or substituted enactments relating to criminal procedure, or to procedure in bankruptcy; any order of the Secretary of State made in pursuance of this Order shall be published in Zanzibar and in India, in such form as he directs, and shall have effect as from a date to be specified in the order.

The enactments described in the First Schedule to "The Jurisdiction Act, 1890," shall apply to Zanzibar as if Zanzibar were a British Colony or possession, but subject to the provisions of this Order and to the exceptions, adaptations, and modifications following, that is to say:—

The Consul-General is hereby substituted for the Governor of any British possession, and the Court for Zanzibar is substituted for a Superior Court or Supreme Court and for a Magistrate or Justice of the Peace of a Colony or British possession;

For the portions of the Merchant Shipping Acts, 1854 and 1862 referred to in the said Schedule, shall be substituted Part XIII of the Merchant Shipping Act, 1894;*

In section 51 of "The Conveyancing (Scotland) Act, 1874," the reference to the time being in force amending the same, shall for Zanzibar be substituted for a Court of Probate in

With respect to "The Fugitive Offenders Act, 1881,"†—

much of the 4th and 5th sections of the said Act as relating to the sending a report of the issue of a warrant, together with a copy thereof, or to the sending of a certificate of arrest and report of a case, or to the information to be given to a fugitive, shall be excepted, and in lieu of such provisions, the person acting as the Magistrate shall inform the person in the British possession or Protectorate to which

he may be conveyed he has the right to apply for a writ of *corpus* or other like process ;

(b.) So much of the 6th section of the said Act as requires the expiration of fifteen days before issue of a warrant shall be excepted.

(c.) The Consul-General shall not be bound to return an offender to a British possession unless satisfied that the proper arrangements to obtain his return are taken with the consent of the Government of that possession ;

(d.) For the purposes of Part II of the said Act; Zanzibar, East Africa and Uganda Protectorates, British India, Mauritius and all British possessions and Protectorates in Africa south of the Equator shall be deemed to be one group of British possessions.

13. The Secretary of State may, by Order published in the manner as he directs, declare that any of the laws or ordinances for the time being in force in any African possession of Her Majesty and not inconsistent with this Order, shall have effect as if administered in Zanzibar with such modifications or adaptations as may be necessary, and thereupon such laws or ordinances so modified or adapted, shall have effect as if they had been applied in this Order.

PART V.—*Criminal Matters.*

14. Subject to the other provisions of this Order, the provisions of the Criminal Procedure and the other enactments relating to the administration of criminal justice in India, for the time being in force, shall be applicable to Zanzibar, shall have effect as if Zanzibar were a Presidency in the Presidency of Bombay ; and the Assistant Judge shall be deemed to be the Magistrate of the district ; the Judge shall be deemed to be the Sessions Judge ; the High Court of Judicature at Bombay (hereinafter called the High Court of Bombay) shall be deemed to be the High Court ; and the powers both of the Governor-General in Council and of the Local Government under the said enactments shall be exercisable by the Secretary of State, or by his previous or subsequent assent, by the Governor-General in Council.

15. When any person is committed to the High Court of Bombay for trial, the Consul-General may, under and in accordance with the provisions of section 6 of "The Foreign Jurisdiction Act, 1877," send him to Bombay for trial ; and in such case the Court may, if it thinks fit, bind over such of the proper witnesses as are subjects, or any of them, in their own recognizances, to appear and give evidence on the trial.

16. If any person subject to this Order smuggles or exports into or exports from Zanzibar any goods whereon any duty is payable or payable to the Government of Zanzibar, with intent to

the duty, he shall be punished with imprisonment for a term which may extend to two months, or with fine which may extend to 1,000 rupees, or with both.

Any act which if done in British India would be an offence against the law for the time being in force in British India relating to trademarks, merchandize marks, copyright, designs, or inventions, committed by a person subject to this Order, be it whether the person in relation to whose property or right the offence is done is, or is not, subject to this Order; and any person guilty of such offence shall be punished with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.

2.) In cases of murder or culpable homicide, if either the criminal act which wholly or partly caused the death occurred in Zanzibar, a Court acting under this Order shall have the same jurisdiction over any person subject to this Order who is charged with the offence as a principal offender or as an abettor, as if both the offence and the death had happened in Zanzibar;

3.) In the case of any offence committed on the high seas, or within the Admiralty jurisdiction, by any person subject to this Order, if at the time of committing such offence was on board a British ship, or on board a foreign ship to which he did not belong, the Court acting under this Order shall have jurisdiction as if the offence had been committed within Zanzibar;

4.) In cases tried under this Article no different sentence can be passed from the sentence which could be passed in England or in the Colonies where the offence was tried there.

5.) The Consul-General may, if he thinks fit, by general order prescribe the manner in which, and the places in Zanzibar at which the sentences of imprisonment are to be carried into execution; and the Consul-General may, if he thinks fit, in any case, by order under his hand and official seal, cause an offender convicted under this Article to be imprisoned before the Court to be sent and imprisoned in, any place in Zanzibar or in the East African Protectorate.

6.) Where an offender convicted before the Court is sentenced to imprisonment, and the Consul-General, proceeding under section 7 of the "Foreign Jurisdiction Act, 1890," authority in that behalf given to him, considers it expedient that the sentence should be carried into effect within Her Majesty's dominions, he may direct that the offender be placed in some part of Her Majesty's dominions out of the United Kingdom the Government whereof consents that the offender may be sent thither under this Article.

7.) Where it is shown by evidence on oath, to the satisfaction of the Consul-General, that any person subject to this Order

has committed, or is about to commit, an offence against the law, or is otherwise conducting himself so as to be dangerous to the peace and good order in Zanzibar, or is endeavouring to excite dissension between the Sultan or people of Zanzibar and Her Majesty, the Consul-General may, if he thinks fit, by order under his hand and official seal, prohibit that person from being in Zanzibar at any time therein specified, not exceeding two years;

(2.) If the person named in the order of prohibition does not obey, or acts in contravention of, the order—

(i.) He shall be guilty of an offence against this Order, and on conviction thereof, shall be liable to imprisonment for any term not exceeding two years, without prejudice to the operation of the order of prohibition;

(ii.) Whether the offender has been convicted of, or is guilty of, that offence or not, the Consul-General may, if he thinks fit, by order under his hand and official seal, authorize that he be taken into custody, and be removed in custody to any place named in the order of removal, being a place to which he can under this Order be deported beyond the limits specified in the order of prohibition;

(iii.) The offender shall be taken into custody and removed accordingly, and in such removal force may be used if necessary, and he shall be discharged from custody at the place named in the order of removal;

(3.) In any case in which the Consul-General can, under this Order, make an order of prohibition, he may, if he thinks fit, in lieu of such order, make and execute an order of deportation in the same manner, and with all the like consequences, as an order of prohibition can under this Order be made and executed in the case of a person who, after conviction of an offence, has failed to give security for good behaviour;

(4.) An appeal shall not lie against an order of prohibition, or removal, or deportation made under this Order;

(5.) The Consul-General, by order under his hand and official seal, may vary any order of prohibition (not extending the term thereof), and may revoke any order of prohibition or removal;

(6.) The Consul-General shall forthwith report to the Secretary of State every order made by him under this Article, the grounds thereof, and the proceedings thereunder.

22. Where a person subject to this Order is convicted of an offence, the Court before which he is convicted may, if it thinks fit, require him to give security to the satisfaction of the Court for his future good behaviour, and for that purpose may, if it thinks fit, cause him to come or be brought before the Court.

7.) If any person required by an order under the last Article, or under the law relating to criminal procedure then being in force, to give security for good behaviour for the peace, fails to do so, the Court may, if it thinks fit, with the approval of the Consul-General, order that he be detained from Zanzibar;

The Court on making an order of deportation, shall forthwith transmit to the Consul-General the order and the grounds thereof; and thereupon the person ordered to be deported shall be, as far as practicable, and in the case of a person convicted, either before the execution of the sentence, or while it is in course of execution, kept in custody, under the warrant of the Consul-General, to the place named in the warrant;

The place shall be a place in that part (if any) of Her Majesty's dominions out of the United Kingdom to which the person belongs, or in some other part of those dominions to which the person consents to the reception therein of persons ordered under this Order, or a place under the Protectorate of Her Majesty in the country out of Her Majesty's dominions to which the person belongs;

The Court, on making an order of deportation, may, if it thinks fit, order the person to be deported to pay all or any part of the expenses of his deportation, to be fixed by the Court in the order.

The Consul-General shall forthwith report to the Secretary of State every order of deportation made under this Order, and the grounds thereof and the proceedings thereunder;

A person deported under this Order returns to Zanzibar without the permission in writing of the Consul-General or Secretary of State shall be punished with imprisonment for a term which may extend to two months, or with fine which may extend to 1,000 rupees, or with both;

A person shall also be liable to be again deported under the same Order on a new order and a fresh warrant of the Consul-General.

8.) Where a person entitled to appeal to the High Court of Zanzibar from any judgment or order passed in the exercise of the jurisdiction under this Order desires so to appeal, he shall present his Petition of Appeal to the Court for Zanzibar, and the same shall with all practicable speed be transmitted by the Consul-General of Zanzibar to the High Court, with certified copies of the judgment (if any) and proceedings, of all documentary evidence tendered, of the depositions, of the notes of the oral evidence, and of the judgment or order, and any argument on the appeal, and on appeal that the appellant desires to submit to the High Court.

25. The Court for Zanzibar shall postpone the execution sentence pending the appeal, and shall, if necessary, commit a person convicted to prison for safe custody, or detain him in prison for safe custody, or shall admit him to bail, and may take security, recognizance, deposit of money, or otherwise, for his payment of fine.

26.—(a.) Where, under this Order, a person is to be removed, or deported from Zanzibar, he shall by warrant of the Consul-General under his hand and seal, be detained, if not in custody, or in prison, until a fit opportunity for his removal or deportation occurs, and then be put on board one of Her Majesty's vessels of war, or, if none is available, then on board some British or other fit vessel ;

(b.) The warrant of the Consul-General shall be sufficient authority to the person to whom it is directed or delivered to execute, and to the commander or master of the vessel, to detain and detain the person therein named, in the manner prescribed, and to send, or remove, and carry him to the place therein named, according to the warrant ;

(c.) In case of sending or removal for any purpose other than deportation, the warrant of the Consul-General shall be in duplicate, and the person executing it shall, as soon as practicable after his arrival at the place therein named, deliver, according to the warrant, with one of the duplicates of the warrant, to a constable or proper officer of police or keeper of a prison, or other proper authority or person there, the person named in the warrant to be produced on the order of the proper Court or authority to be otherwise dealt with according to law.

27. When a warrant or order of arrest is issued by a competent judicial authority in the East Africa Protectorate or in the Zanzibar Protectorate for the apprehension of a person who is accused of a crime committed in that Protectorate, and who is, or is supposed to be, within Zanzibar, and that warrant or order is produced to the Court acting under this Order, the Court may back the warrant or order, and the same, when so backed, shall be sufficient authority to any person to whom it was originally directed, and also to any constable or officer of the Court by whom it is backed, to apprehend any person named on the back of the warrant or order, to appear before the accused person at any place within the limits of this Order, and to carry him to and deliver him up within the jurisdiction of the authority issuing the warrant or order.

28. The Consul-General and every commissioned Commissioner or officer respectively, shall have in and for Zanzibar all the powers and jurisdiction appertaining to the office of a Justice of the Peace.

PART VI.—*Civil Matters.*

subject to the other provisions of this Order, the Code of Procedure, "The Bombay Civil Courts Act, 1869," the Succession Act, and the other enactments relating to the administration of civil justice for the time applicable to Zanzibar, shall have effect as if Zanzibar were a district in the Presidency of Bombay: the Judge shall be deemed to be the District Judge, the Assistant Judge, the Joint District Judge, of the district, the Court for Zanzibar, the District Court or Principal Civil Court, the Original Jurisdiction in the district; the High Court shall be deemed to be the highest Civil Court of Appeal in the district, and the Court authorized to hear appeals from and to reverse the decisions of the District Court; and the powers, both of the Governor-General in Council and the Local Government, under these enactments shall be exercisable by the Secretary of State with his previous or subsequent assent, by the Governor-General of India in Council.

The Court for Zanzibar shall, for and within Zanzibar, have all such powers and persons coming within Zanzibar, have all such powers as is for the time being conferred on the Court by "The Admiralty (Admiralty) Order in Council, 1894,"* or by any Order in Council under section 12 of "The Colonial Courts of Admiralty Act, 1890."†

The Assistant Judge shall be the Admiralty Registrar of the Court; when he acts as Judge the Consul-General may appoint any other person to be Acting Registrar.

2.) The Court shall endeavour to obtain, as early as possible, notice of the death of every person subject to this Order in Zanzibar and leaving property to be administered, and all information as may serve to guide the Court with respect to the nature and administration of his property;

3.) On receiving notice of the death of such a person, the Court shall issue a notice thereof at the Court-house, and shall keep the same until probate or administration is granted, or, where no application is made to the Court that probate or administration will not be granted, or cannot be granted, for such time as the Court thinks fit; and the Court shall, where the circumstances of the case appear to require, as soon as may be, take possession of the property in the estate of the deceased, or put it under the seal of the Court (in the case of real estate, if the nature of the property or other circumstances require, making an inventory), and so keep it until it can be dealt with according to law;

4.) All expenses incurred by the Court in so doing shall be the

first charge on the property of the deceased, and the Court shall provide for the sale of the property or part thereof, or otherwise, provide for the discharge of these expenses.

32. When a person subject to this Order dies in Zanzibar intestate, his property shall, until administration is granted, be in the hands of the Judge.

33. If a person named executor in a will, to the establishment of which his title, as such, it is necessary to obtain probate of the will, takes possession of, and administers or otherwise deals with, any part of the property of the deceased, and does not obtain probate of the will one month after the death, or after the termination of the proceedings respecting probate or administration, he shall be liable to be punished with fine, which may extend to 1,000 rupees.

34. If any person, other than the person named executor, administrator, or a person entitled to represent the deceased, obtains probate or letters of administration, or an officer of the Court, takes possession of and administers, or otherwise deals with, any part of the property of the deceased, he shall, as soon as practicable, notify the fact and the circumstances to the Court, and shall furnish to the Court all such information as the Court requires, and shall conform to any directions of the Court in relation to the custody, disposal, or transmission of the property, or the proceeds thereof, and, in case of any contravention of this Article, he shall be liable to be punished with fine, which may extend to 1,000 rupees.

35.—(1.) When the peculiar circumstances of the case appear to the Court so to require, for reasons recorded in its proceedings, the Court may, if it thinks fit, of its own motion, or otherwise, grant letters of administration to an officer or practitioner of the Court;

(2.) The person so appointed shall act under the direction of the Court, and shall be indemnified thereby; and if he is a practitioner, he shall not act otherwise than as administrator in relation to the estate.

(3.) He shall publish such notices, if any, as the Court may direct, fit, in Zanzibar, Bombay, the United Kingdom, and elsewhere.

(4.) The Court shall require and compel him to file, in the office of the Court, his accounts of his administration, at intervals not exceeding three months;

(5.) The accounts shall be audited under the direction of the Court;

(6.) All expenses incurred in behalf of the Court in executing this Article shall be the first charge on the estate of the deceased in Zanzibar; and the Court shall, by the sale of the estate, or otherwise, provide for the discharge of those expenses.

36.—(a.) Where any person entitled to appeal to the

Bombay from any decree or order made by the Court for the exercise of civil jurisdiction under this Order desires appeal, he shall present his Memorandum of Appeal to the Court for Zanzibar, and, subject to the provisions hereinafter contained, that Court shall receive the same for transmission to the High Court in manner hereinafter provided ;

The appellant shall, within such time as the Court directs, deposit with the Court, to the satisfaction of the Court, and to such amount as the Court thinks reasonable, for prosecution of the appeal, and for defraying of any costs that may be ordered by the High Court on the appeal to be paid by the appellant.

The appellant shall pay into the proper office of the Court for Zanzibar such sum as the Court thinks reasonable, to defray the expenses of the making up and transmission to the High Court of the record.

The appellant may, with his Memorandum of Appeal, file any other documents which he desires to submit to the High Court of Bombay in support of the appeal.

(b) The Memorandum of Appeal and the argument (if any) shall be served on such persons as respondents as the Court for Zanzibar directs ;

Every respondent may, within seven days after service, file with the Court for Zanzibar such arguments as he desires to submit to the Court of Bombay against the appeal ;

Copies thereof shall be furnished by the Court for Zanzibar to the High Court as that Court thinks fit.

(c) On the expiration of the time for the respondent filing his arguments, the Court shall without the application of any party, cause to be made up the record of appeal, which shall consist of the Memorandum of Appeal and the arguments (if any), and certified copies of the same, namely, the pleadings, written statements (if any), all documents, all written and documentary evidence admitted or rejected, the notes of the oral evidence, the judgment, and the order ;

The several pieces shall be fastened together consecutively and the whole shall be secured by the seal of the Court, and shall be forthwith forwarded to the High Court of Bombay ;

The Court may, if for special reasons they think fit, send copies of the documentary evidence in original to the High Court.

SECTION VII.—*Zanzibar and Foreign Subjects and Tribunals.*

(a.) The Court for Zanzibar shall hear and determine all questions, claims, or disputes arising between any Zanzibar

subject and any person subject to this Order in which the for plaintiff or complainant;

(b.) The High Court of Bombay shall not exercise jurisdiction any such suit.

41.—(a.) Where it is desired to commence a suit in one party is, and the other party is not, a person subject to this Order, the Court shall entertain the same, and shall determine it;

(b.) Provided that the person not subject to this Order required by the Court, first obtains and files in the proper of the Court the consent, in writing, of the competent authority (any) on behalf of his own nation, to his submitting, and that he submit, to the jurisdiction of the Court, and, if required by the Court, gives security to the satisfaction of the Court, and to a reasonable amount as the Court thinks fit, by deposit or otherwise to pay fees, costs, and damages, and abide by, and perform the decision to be given by the Court or on appeal;

(c.) A cross-suit shall not be brought in the Court against a plaintiff, being a person not subject to this Order, who has been submitted to the jurisdiction, by a defendant without leave of the Court first obtained; but the Court may, as a condition of entertaining the plaintiff's suit, require his consent to any cross-suit or may set-off being entertained by the Court;

(d.) The Court, before giving leave, may require proof from the defendant that his claim arises out of the matter in dispute, and that there is reasonable ground for it, and that it is not made for vexatious or delay;

(e.) Nothing in this Article shall prevent the defendant from bringing, in the Court, against a person not subject to this Order, after the termination of the suit in which the latter is plaintiff, a suit which he might have brought in the Court if no provisions restraining cross-suits had been inserted in this Order;

(f.) Where a person not subject to this Order obtains an Order in the Court against a defendant being a person subject to this Order, and in another suit the latter is plaintiff and the first is defendant, the Court may, if it thinks fit, on the application of the first-mentioned defendant, stay the enforcement of the first-mentioned suit, pending that other suit, and may set off any amount ordered to be paid by one party in one action against any amount ordered to be paid by the other party in the other action;

(g.) Where the plaintiff, being a person not subject to this Order, obtains an Order in the Court against two or more defendants jointly, being persons subject to this Order, and in another suit one of them is a plaintiff and the first-mentioned plaintiff is defendant, the Court may, if it thinks fit, on application, stay the enforcement of the first-mentioned suit, pending that other suit, and may set off any amount ordered to be paid by one party in one action against any amount ordered to be paid by the other party in the other action;

der pending that other action, and may set off any amount to be paid by one party in one action against any amount to be paid by the other party in the other action, without to the right of the person plaintiff in the second suit contribution from his co-defendants under the joint

z.) Where it is proved that the attendance of any person on this Order to give evidence, or for any other purpose connected with the administration of justice, is required before any Court of Justice in Zanzibar other than a Court established by this Order, the Court for Zanzibar may, if it thinks fit, in a case of circumstances in which the Court for Zanzibar would require the attendance of that person before the Court, order that he shall attend as required. The order may be made subject to conditions of payment or tender of expenses or otherwise ;

and if the person ordered to attend, having reasonable notice of the time and place at which he is required to attend, fails to attend, or, if he attends, and does not excuse his failure to the satisfaction of the Court, or gives false evidence, or refuses to be sworn or to give evidence, or if when so attending to give evidence he gives false evidence, or refuses to be sworn or to give evidence, he shall, independently of any other liability, be liable to be imprisoned with imprisonment for a term which may extend to three months, or with fine which may extend to 1,000 rupees, or with

as to a person subject to this Order—

Who wilfully obstructs, by act or threat, any Court in Zanzibar established under this Order in the performance of its duties ;

Who commits any offence within or close to the room or place where such a Court is sitting, which amounts to a wilful misbehaviour, or who wilfully misbehaves in a violent, threatening, or disrespectful manner, or who causes the disturbance of the Court or to the intimidation of the Court or to the intimidation of others resorting to the Court ; or

Who wilfully insults any member or officer of such a Court while sitting, or returning from, any place of sitting or office ; or

Who, on conviction before the Court for Zanzibar, is liable to be imprisoned with imprisonment for a term which may extend to three months, or with fine which may extend to 1,000 rupees, or with

z.) Every agreement for reference to arbitration between a person subject to this Order on the one hand, and a person not subject to this Order on the other hand, may, on the application of either party, be filed for execution in the proper office of the Court

and the Court shall thereupon have authority to enforce the

agreement and the award made thereunder, and to control regulate the proceedings before and after the award, in such manner and on such terms as the Court may think fit ;

(c.) Provided that the person not subject to this Order obtains and files, in the proper office of the Court, the consent in writing, of the competent authority (if any), on behalf of his nation, to his submitting, and that he does submit, to the jurisdiction of the Court, and, if required by the Court, gives security to satisfaction of the Court, and to such reasonable amount as the Court thinks fit, by deposit or otherwise, to pay fees, damages, costs and expenses, and abide by and perform the award ;

(d.) If a person subject to this Order wilfully gives false evidence in an arbitration, he shall on conviction before the Court at Zanzibar be liable to the same punishment as if he were convicted of giving false evidence in a proceeding in that Court.

PART VIII.—*Miscellaneous.*

45.—(1.) Notwithstanding anything in this Order, the Court at Zanzibar shall not exercise any jurisdiction in any proceeding whatsoever over Her Majesty's Consul-General, or his official or other residences, or his official or other property ;

(2.) Notwithstanding anything in this Order, the Court at Zanzibar shall not exercise, except with the consent of the Consul-General, signified in writing to the Court, any jurisdiction in a civil action or proceeding over any person attached to or being a member of Her Majesty's Consulate - General in Zanzibar, or being a domestic servant of the Consul-General ;

(3.) If, in any case under this Order, it appears to the Court at Zanzibar that the attendance of the Consul-General, or of a person attached to or being a member of Her Majesty's Consulate-General in Zanzibar, or being a domestic servant of the Consul-General, to give evidence before the Court, is requisite in the interest of justice, the Court for Zanzibar may address to the Consul-General a request in writing for such attendance ;

(4.) A person attending to give evidence before the Court shall not be compelled or allowed to give any evidence or produce a document if, in the opinion of the Consul-General, signified by him personally or in writing to the Court, the giving or production thereof would be injurious to Her Majesty's service.

46. Subject to the approval of the Secretary of State, the Court may frame rules of procedure and other rules, consistent with this Order, for the better execution of the provisions herein contained in respect of civil or criminal proceedings, and for regulating the conduct

on which persons other than parties may be permitted
 as advocates or solicitors in any Court, or for suspending
 (subject to a right of appeal to the Secretary of State)
 persons from practice in case of misconduct: Provided that
 of remuneration fixed by such rules shall have been
 d by the Treasury.

the Consul-General may make Regulations (to be called
 Regulations) for the following purposes, that is to say:—

for the peace, order, and good government of British
 and other persons subject to this Order, in relation to
 not provided for in this Order;

for securing the observance of any Treaty for the time being
 relating to Zanzibar, or of any native or local law or

For requiring returns to be made of the nature, quantity,
 of articles exported from or imported into Zanzibar,
 part thereof, by or on account of any British subject or
 subject to this Order, and for prescribing the times and
 t or in which, and the persons by whom, such returns are
 le.

Regulations under this Article may provide for forfeiture of
 s, receptacles, or things in relation to which, or to the
 of which, any breach is committed of such Regulations, or
 reaty, or any native or local law or custom, the observance
 is provided for by the Regulations.

regulations under this Article shall, when allowed by
 tary of State, and published as he directs, have effect as if
 in this Order: Provided that in case of urgency declared
 gulations, the same shall take effect before such allowance,
 continue to have effect unless and until they are disallowed
 cretary of State, and until notification of such disallowance
 d and published by the Consul-General, and such dis-
 shall be without prejudice to anything done or suffered
 h regulations in the meantime.

breach of the regulations shall be an offence against this
 d any person guilty thereof shall, on conviction, be liable to
 ich may extend to 1,000 rupees, or to imprisonment which
 nd to two months, or both, in addition to any forfeiture as

the Consul-General may also make regulations for the
 ce, visitation, care, and superintendence of prisons in
 and for the infliction of corporal or other punishment
 ers committing offences against those regulations.

regulations under this Article shall, when allowed by the
 of State, have effect as if contained in this Order, and

copies thereof shall be exhibited in every prison to which they apply in such manner as the Consul-General may direct.

Any breach of regulations under this Article, committed by an officer of a prison, or by any other person (not being a prisoner) shall be punishable in like manner as a breach of Queen's Regulations, under the last preceding Article.

49.—(a.) A non-testamentary instrument to which a British subject is a party, executed after the 28th day of November, 1890, and purporting or operating to create, declare, assign, limit, or extinguish, whether in present or in future, any right, title, or interest, whether vested or contingent to, in, or over immovable property situate in Zanzibar, shall not affect any immovable property comprised therein, or be received as evidence of any transaction affecting that property, unless it has been registered at such time and place and in such manner as may be prescribed by rules made by the Consul-General and approved by the Secretary of State, and so long as for the time being in force ;

(b.) Provided that nothing in this Article shall make any instrument inadmissible in evidence in any criminal proceeding.

50.—(a.) The Consul-General may, with the approval of the Secretary of State, and concurrence of the Treasury, make rules imposing fees leviable in respect of any proceedings in, or process issued out of, any Court established under this Order, and in respect of the registration of any instrument under this Order ;

(b.) But the Court may in any case if it thinks fit, on account of the poverty of a party, or for any other reason, dispense in whole or in part with the payment of any fee chargeable in respect of such matter ;

(c.) The Court shall in every such case forthwith report to the Secretary of State any dispensation to the Consul-General, and he shall give such directions thereon as he thinks fit ;

(d.) Nothing in this Order shall affect any Order in Council prescribing a Table of Fees to be taken by Consular officers ; and where a fee is taken under that Order, no fee shall be taken in respect of the same matter under this Order.

51.—(a.) All fees, charges, expenses, costs, fines, damages, and other money payable under this Order, or under any law made applicable by this Order, may be enforced under order of the Court by attachment and sale of goods, and, in case of deficiency, imprisonment which may extend to one month ;

(b.) Any bill of sale or mortgage, or transfer of property, made with the view of avoiding such attachment or sale, shall not be effectual to defeat the provisions of this Order ;

(c.) All fees, penalties, fines, and forfeitures levied under this Order, except such as may under Treaty be paid to the Sultan,

r, shall be paid to the public account, and shall be applied in the same manner as the Secretary of State, with the concurrence of the Treasury, may direct.

Subject to the other provisions of this Order, all expenses of the Court of prisoners and others, and the expenses of deportation or sending of any person to Bombay, or to any part of Her Majesty's dominions or Protectorates, including expenses of maintenance, shall be defrayed in such manner as the Secretary of State, with the concurrence of the Treasury, directs.

2.) If an officer of the Court employed to execute an order, by neglect or omission, the opportunity of executing it, or the complaint of the person aggrieved and proof of the fact that the Court may, if it thinks fit, order the officer to pay the expenses sustained by the person complaining, or part thereof. The order may be enforced as an order directing payment of

3.) If a clerk or officer of the Court, acting under the authority of the process of authority of the Court, is charged with not paying over money duly levied, or with other default, the Court may, if it thinks fit, inquire into the charge, and may for that purpose summon and enforce the attendance of all necessary persons as in an action, and may make an order for the repayment of any money extorted, or for the payment over of any money levied, and for the payment of damages, and costs, as the Court thinks fit; The Court may also, if it thinks fit, on the same inquiry, punish the clerk or officer a fine not exceeding 50 rupees for each

clerk or officer punished under this Article shall not, on the leave of the Court be liable to an action in respect of the same matter; and any such action, if already or afterwards commenced, may be stayed by the Court in such manner and on such conditions as the Court thinks fit;

Nothing in this Article shall be deemed to prevent any person from being prosecuted under any other law for any act which is punishable under this Article, or from being liable under any law to any higher punishment or penalty than that provided by this Article. Provided that no person shall be punished for the same offence.

The Consul-General, or any Consular officer appointed by the Government on his behalf, may exercise any power conferred on any officer of the Peace within Her Majesty's dominions by any Act of Parliament for the time being in force, regulating merchant seamen and the mercantile marine.

Not later than the 31st March in each year the Consul-

General shall send to the Secretary of State a report on the operation of this Order up to the 31st December in the present year showing, for the then last twelve months, the number and nature of the proceedings, criminal or civil, taken under this Order and the result thereof, and the number and amount of fees received and containing an abstract of the list of registered British subjects and such other information, and being in such form as the Secretary of State from time to time directs.

PART IX.—*Repeal and Transitory Provisions.*

57.—(a.) From the commencement of this Order the Orders of Council described in the Second Schedule to this Order shall be repealed as to Zanzibar, but this repeal shall not—

(i.) Affect the past operation of any of the repealed Orders or any regulation, rule, or appointment made, or any right, obligation, or liability accrued, or the validity or invalidity of anything done or suffered, under any of those Orders before the commencement of this Order;

(ii.) Interfere with the institution or prosecution of any proceeding or suit, criminal or civil, in respect of any offence committed against, or forfeiture incurred, or liability accrued under, or the consequence of any provision of the repealed Orders, or any regulation made thereunder;

(iii.) Take away or abridge any protection or benefit given or to be enjoyed in relation thereto;

(b.) Notwithstanding the repeal of the Orders in Council aforesaid, or any other thing in this Order, every regulation, rule, appointment, and other thing in this Article mentioned shall continue and be as if this Order had not been made, but so that the same may be revoked, altered, or otherwise dealt with under this Order, as if it had been made or done under this Order.

58. Criminal or civil proceedings begun under any Order of Council repealed by this Order, and pending at the commencement of this Order, shall, from and after that time, be regulated by the provisions of this Order, as far as the nature and circumstances of each case admit.

59. This Order shall commence and have effect as follows:—

(1.) As to the making of any warrant or appointment under this Order, immediately from and after the date of this Order;

(2.) As to the framing of rules of procedure or regulations, the approval thereof by the Secretary of State, immediately from and after the date of this Order;

(3.) As to all other matters and provisions comprised and contained in this Order, immediately from and after the expiration

after this Order is first exhibited in the public office of the Consul-General; for which purpose he is hereby required forthwith to take receipt by him of a copy of this Order, to affix and exhibit conspicuously in his public office, and he is also hereby required to keep the same so affixed and exhibited during one month after the first exhibition thereof; and notice of the time of such first exhibition shall, as soon thereafter as practicable, be published in the public office in such manner as the Consul-General directs; and, notwithstanding anything in this Order, the time of the expiration of one month shall be deemed to be the time of the commencement of this Order;

nothing shall not in any proceeding or matter be required that the provisions of this Article have been complied with, nor shall any proceeding be invalidated by any failure to comply with any provisions.

A copy of this Order shall be kept exhibited conspicuously in the public office and in the Consulate at Zanzibar.

Five copies shall be provided and sold at such reasonable price as the Consul-General directs.

The Most Honourable the Marquess of Salisbury, K.G., and the Honourable Lord George Hamilton, two of Her Majesty's Secretaries of State, are to give the necessary directions to the officers to whom they respectively appertain.

C. L. PEEL.

FIRST SCHEDULE.

Indian Acts applied.

Acts 25 and 36 of 1858, relating respectively to lunatics and lunatic

Indian Penal Code (Act 45 of 1860).

Shipping Act, 1864" (Act 6 of 1864).

Indian Succession Act (Act 10 of 1865), except section 331.

Post Office Act, 1866" (Act 14 of 1866), as relates to the Post Office.

Indian Divorce Act (Act 4 of 1869), except so much as relates to nullity of marriage.

Bombay Civil Courts Act, 1869" (Act 14 of 1869), except sections 6, 13, 34, 38 to 43 (both inclusive), the last clause of section 19, and clauses of section 22.

Indian Evidence Act, 1872" (Act 1 of 1872).

Indian Contract Act, 1872" (Act 9 of 1872).

Indian Oaths Act, 1873" (Act 10 of 1873).

Indian Majority Act (Act 9 of 1875).

Indian Limitation Act, 1877" (Act 15 of 1877).

Transfer of Property Act, 1882" (Act 4 of 1882).

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The Code of Criminal Procedure (Act 10 of 1882), except Chapter 33.

The Code of Civil Procedure (Act 14 of 1882).

"The Prevention of Cruelty to Animals Act, 1890" (Act 11 of 1890).

SECOND SCHEDULE.

Orders repealed.

"THE Zanzibar Order in Council, 1884."*

"The Zanzibar Order in Council, 1888."†

"The Zanzibar Order in Council, 1889."‡

"The Zanzibar Order in Council, 1892."§

"The Zanzibar (Trade-marks, &c.) Order in Council, 1893."||

"The Zanzibar (Jurisdiction) Order in Council, 1893."¶

*BRITISH ORDER IN COUNCIL, applying certain Regulations concerning Collisions at Sea, so far as regards S. Pilot Vessels.—Windsor, July 7, 1897.***

At the Court at Windsor, the 7th day of July, 1897.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS by an Order in Council dated the 18th day of August, 1892,†† after reciting Article 9 of the Regulations contained in the Schedule to an Order in Council of the 11th August, 1884,‡‡ reciting that the Admiralty and the Board of Trade had in pursuance of the Act therein referred to, jointly recommended Her Majesty that the said Regulations contained in the said Order in Council of the 11th August, 1884, should be further modified by adding to the said recited Article 9 thereof the provision contained in the Schedule to the reciting Order, Her Majesty was pleased to direct that from the date of the Order the Regulations contained in the Schedule to the said Order of the 11th August, 1884, should

* Vol. LXXV, page 639.

† Vol. LXXIX, page 1060.

‡ Vol. LXXXI, page 640.

§ Vol. LXXXIV, page 280.

|| Vol. LXXXV, page 1180.

¶ Vol. LXXXV, page 1051.

** A similar Order in Council was issued as a "Provisional Order" on the 18th May, 1897 (see "London Gazette," May 21, 1897).

†† Vol. LXXXV, page 1297.

‡‡ Vol. LXXXV, page 579.

fied by the addition to the said recited Article 9 thereof
ions in the Schedule thereto;

reas by an Order in Council of the 27th November,
Majesty, by virtue of the power vested in her by
of "The Merchant Shipping Act, 1894,"† and on the
endation of the Admiralty and the Board of Trade, was
rect that on and after the 1st July, 1897, the Regula-
venting collisions at sea contained in the said Order in
d the 11th August, 1884, except the Article numbered
Regulations, shall be annulled, and that the Regulations
ng collisions at sea contained in Schedule 1 thereto
ll be substituted therefor (with the exception afore-
me into operation as regards British ships and boats;
reas doubts may arise whether the said recited Order in
d the 18th August, 1892, will apply to Article 8 of the
ions set out in Schedule 1 to the said recited Order
27th November, 1896, which is in substitution for
bered 9 of the Regulations set out in the Schedule
Order in Council dated the 11th August, 1884, and so
aforesaid;

reas Her Majesty was pleased, by and with the advice of
ouncil on the 18th May, 1897, to direct that on and after
of July, 1897, the Order in Council of the 18th August,
be read and construed as if it referred to Article numbered 8
ations set out in Schedule 1 to the said Order in Council
November, 1896, to the intent that the provisions
the Schedule to the said recited Order in Council of the
t, 1892, and in the Schedule annexed to the Order in
the 18th May, 1897, should form part of the said
d that the said Order should be provisional within the
"The Rules Publication Act, 1893;"

reas the provisions of section 1 of "The Rules Publica-
93," have now been complied with:

efore, Her Majesty, by virtue of the powers vested in
e Merchant Shipping Act, 1894," and by and with the
r Privy Council, is pleased to order and direct that the
Order in Council dated the 18th day of August, 1892,
d and construed as if it referred to Article numbered 8 of
ions set out in Schedule 1 to the said recited Order dated
vember, 1896, to the intent that the provisions contained
d to the said recited Order dated the 18th August,
the Schedule thereto annexed shall form part of the said
bered 8, which shall be read and construed accordingly;

and this Order shall take effect on the date hereof (up to which the said recited Provisional Order of the 18th May, 1897, is in force).

C. L. P.

SCHEDULE.

A STEAM pilot-vessel exclusively employed for the service of pilots licensed or certified by any pilotage authority or the Committee of any pilotage district in the United Kingdom when engaged on her station on pilotage duty in British waters and not at anchor shall, in addition to the lights required for pilot-boats, carry at a distance of 8 feet below her white masthead light a red light visible all round the horizon, and of such a character as to be visible at dark night with a clear atmosphere at a distance of at least 2 miles, and also coloured side-lights required to be carried by vessels when under way.

When engaged on her station on pilotage duty and in British waters and not at anchor she shall carry, in addition to the lights required for all pilot-boats, a red light above-mentioned, but not the coloured side-lights.

When not engaged on her station on pilotage duty she shall carry the lights as other steam-vessels.

*BRITISH ORDER IN COUNCIL, establishing Rules for the Prevention of Collisions at Sea (Foreign Countries), Windsor, July 7, 1897.**

At the Court at Windsor, the 7th day of July, 1897.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by section 424 of "The Merchant Shipping Act, 1894,"† it is provided that whenever it is made to appear to Her Majesty in Council that the Government of any foreign country is willing that the Collision Regulations (being Regulations which are made by section 418 of the said Act Her Majesty is empowered to make by Order in Council on the joint recommendation of the Admiralty and the Board of Trade for the prevention of collisions at sea) shall apply to the ships of that country when beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that those Regulations shall, subject to any limitations of time, conditions and qualifications contained in the Order, apply to ships of the said foreign country, whether within British jurisdiction.

* A similar Order in Council was issued as a "Provisional Order" on the 18th May, 1897 (see "London Gazette," May 21, 1897).

† Vol. LXXXVI, page 633.

at such ships shall for the purpose of such Regulations be
if they were British ships;

Whereas by section 434 of the said Act Her Majesty is
by Order in Council to make rules as to signals of

Whereas by section 734 of the said Act it is provided that
has been made to appear to Her Majesty that the Govern-
ment of any foreign country is desirous that any of the provisions of
which do not apply to the ships of that country should so
there are no special provisions in the said Act for that
Her Majesty in Council may order that such of those
as are in the Order specified shall (subject to the limita-
tion, contained therein) apply to the ships of that country,
owners, masters, seamen, and apprentices of those ships,
locally within the jurisdiction of the Government of that
in the same manner in all respects as if those ships were
British ships;

Whereas by section 738 of the said Act it is provided that,
any special provisions of that Act, upon the publication of
an Order in Council which Her Majesty has power under that Act
the Order shall, as from the date of the publication or any
mentioned in the Order, take effect as if it were enacted
in that behalf;

Whereas by an Order in Council dated the 14th day of
1879,* and expressed to be made in pursuance of "The
Shipping Act Amendment Act, 1862," and, as to the first
part thereof, on the joint recommendation of the Admiralty and the
Foreign Office, and, as to the second part thereof, with the consent
of the Governments of the several foreign countries mentioned in
the First Schedule thereto, Her Majesty was pleased to direct—
that on and after the 1st day of September, 1880, the Regula-
tions (including Regulations for preventing collisions at sea) appended to
an Order in Council of the 9th day of January, 1863, and the addi-
tions thereto, contained in an Order in Council of the
1st day of July, 1868, should be annulled, and that there should be
for the said Regulations and additions respectively the
provisions contained in the First Schedule thereto; second, that the
provisions contained in the said First Schedule thereto should,
on and after the 1st day of September, 1880, apply to ships of the
countries mentioned in the Second Schedule thereto, whether within
British jurisdiction or not;

Whereas by several Orders in Council subsequently made,
Her Majesty was pleased to direct that the Regulations contained in

* Vol. LXX, page 307.

the First Schedule to the said Order in Council of the 14th August, 1879, should apply to the ships of the countries specified in the said several Orders, whether within British jurisdiction but subject to the modifications mentioned in the said Orders or any of them;

And whereas by an Order in Council dated the 11th August, 1884,* and expressed to be made in pursuance of the Merchant Shipping Act Amendment Act, 1862,† and on the recommendation of the Admiralty and the Board of Trade Her Majesty was pleased to direct that on and after the 1st September, 1884, the Regulations contained in the Schedule (being Regulations for preventing collisions at sea and as to distress) should, so far as regards British ships and boats, be substituted for the Regulations contained in the First Schedule to the hereinbefore recited Order in Council of the 14th day of August, 1879;

And whereas by several Orders in Council subsequent to the said Order in Council of the 14th day of August, 1879, Her Majesty was pleased to direct that the Regulations contained in the said Schedule to the said Order in Council of the 11th August, 1884, should apply to the ships of the countries specified in the said several Orders, whether within British jurisdiction but subject to the modifications mentioned in the same Orders or any of them, and that such Regulations, subject as aforesaid, as regards the ships and boats of the said several countries, should be substituted for the Regulations contained in the said several Orders now in recital specified to which the Regulations contained in the First Schedule to the hereinbefore recited Order in Council of the 14th day of August, 1879, applied by virtue of the said Order in Council, be substituted therefor;

And whereas by an Order in Council dated the 27th November, 1896,‡ and expressed to be made in pursuance of section 418 of "The Merchant Shipping Act, 1894," and on the recommendation of the Admiralty and the Board of Trade Her Majesty was pleased to direct that, on and after the 1st July, 1897, the Regulations for preventing collisions at sea contained in the said recited Order in Council dated the 11th day of August, 1884, except the Article numbered 10 in such Regulations, should be annulled, and the Regulations for preventing collisions at sea contained in Schedule 1 thereto annexed should be substituted therefor (with the exception aforesaid), and come into operation as regards ships and boats; and by the same Order, and in pursuance of section 434 of "The Merchant Shipping Act, 1894," Her Majesty was further pleased to direct that, on and after the 1st day of July, 1897, the Regulations or Rules as to signals of distress contained in the said Schedule 1 should be substituted therefor.

* Vol. LXXV, page 579.

† Vol. LXXXVIII, page

dule to the said Order in Council dated the 11th day of 1884, should be annulled, and the Rules as to signals of contained in Schedule 2 to the Order now in recital annexed be substituted therefor, and come into operation as regards ships and boats;

whereas the provisions of sub-section 2 of section 738 of Merchant Shipping Act, 1894," have been complied with in the said lastly hereinbefore recited Order in Council;

whereas it has been made to appear to Her Majesty in that the Governments of the several countries specified in 3 hereto are willing that the said Regulations contained in 1 to the said recited Order of the 27th day of November, and in Schedule 1 to this Order should apply to the ships of countries when beyond the limits of British jurisdiction;

whereas it has also been made to appear to Her Majesty Governments of the same countries are also desirous that be made in pursuance of the provisions of section 434 of Merchant Shipping Act, 1894" (being the Rules contained in 2 to the said recited Order of the 27th day of November, and in Schedule 2 to this Order), in so far as they do not the ships of those countries, should so apply;

whereas the Government of China is desirous that the on of such Regulations and Rules shall be limited to war and t-ships of foreign type;

whereas Her Majesty was pleased, by and with the advice of y Council, on the 18th day of May, 1897, to direct that the ions and Rules contained in Schedules 1 and 2 to the Order in of the 27th November, 1896, and in Schedules 1 and 2 to er in Council of the 18th May, 1897, should on and after the of July, 1897, but subject to the provisoes therein contained, the ships of the several countries specified in Schedule 3 to named Order, and that the said Order should be a Pro- Order within the meaning of "The Rules Publication Act,

whereas the provisions of section 1 of "The Rules Publica- 1893," have now been complied with:

therefore, Her Majesty, by virtue of the power vested in section 424 of "The Merchant Shipping Act, 1894," and by the advice of her Privy Council, is pleased to direct that the ions for preventing collisions at sea contained in Schedule 1 said Order of the 27th day of November, 1896, and in 1 to this Order annexed, shall, on and after the date hereof which time the said recited Provisional Order of the y, 1897, is in force), continue to apply to the ships of the eral countries specified in Schedule 3 hereto annexed,

whether within British jurisdiction or not, and that such ships for the purpose of such Regulations be treated as if the British ships, to the intent that such Regulations shall, as the ships of the said several countries specified in Schedule 3 annexed to which the said Regulations for preventing collision contained in the said recited Orders of the 14th day of August 1879, and the 11th day of August, 1884, apply by virtue of an Order in Council, be substituted therefor: Provided that this shall not affect the application of Article 10 of each of such Regulations in so far as the same is applicable to the ships of such countries;

And Her Majesty is further pleased, by virtue of the powers vested in her by section 734 of "The Merchant Shipping Act, 1894," and by and with the advice of her Privy Council, to order that the Rules as to signals of distress contained in Schedule 2 to the said recited Order of the 27th day of November, 1896, shall, on and after the date of the said Order, continue to apply to the ships of the several countries specified in Schedule 3 hereto annexed, and to the owners, masters, seamen, and apprentices of those ships, when not locally within the jurisdiction of the Government of that country, in the same manner and in all respects as if those ships were British ships: Provided always that as regards Chinese ships, such Regulations for preventing collision at sea and such Rules as to signals of distress shall apply to ships of foreign type, whether war ships or not, but not otherwise.

C. L.

SCHEDULE 1.

Preliminary.

THESE Rules shall be followed by all vessels upon the high seas and in waters connected therewith, navigable by sea-going vessels.

In the following Rules every steam-vessel which is under sail and under steam is to be considered a sailing-vessel, and every vessel under steam, whether under sail or not, is to be considered a steam-vessel.

The word "steam-vessel" shall include any vessel propelled by machinery.

A vessel is "under way" within the meaning of these Rules when it is not at anchor or made fast to the shore or aground.

Rules concerning Lights, &c.

The word "visible" in these Rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere.

ART. 1. The Rules concerning lights shall be complied with in all cases from sunset to sunrise, and during such time no other lights which might be mistaken for the prescribed lights shall be exhibited.

2. A steam-vessel when under way shall carry—

(a.) On or in front of the foremast, or if a vessel without a foremast

part of the vessel, at a height above the hull of not less than 20 feet, breadth of the vessel exceeds 20 feet, then at a height above the hull in such breadth, so, however, that the light need not be carried at a height above the hull than 40 feet, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, viz., ahead to two points abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles;

the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 5 miles;

the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles;

the said green and red side-lights shall be fitted with inboard screens so placed as to be at least 3 feet forward from the light, so as to prevent these lights from being seen across the bow;

every steam-vessel when under way may carry an additional white light in addition to the light mentioned in sub-division (a). These two lights shall be so placed in line with the keel that one shall be at least 15 feet above the other, and in such a position with reference to each other that the lower light shall be forward of the upper one. The vertical distance between these lights shall be less than the horizontal distance.

Every steam-vessel when towing another vessel shall, in addition to her side-lights, carry two bright white lights in a vertical line one over the other, not less than 6 feet apart, and when towing more than one vessel shall carry an additional bright white light 6 feet above or below such lights, if the length of the tow measured from the stern of the towing vessel to the stern of the last vessel exceeds 600 feet. Each of these lights shall be of the same size and character, and shall be carried in the same position as the lights mentioned in Article 2 (a), except the additional light, which may be carried at a height of not less than 14 feet above the hull.

Every steam-vessel may carry a small white light abaft the funnel or masthead of the vessel towed to steer by, but such light shall not be visible from the beam.

A vessel which from any accident is not under command shall carry the same height as the white light mentioned in Article 2 (a), where it can best be seen, and, if a steam-vessel, in lieu of that light, two red lights in a vertical line one over the other, not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 5 miles, and shall by day carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, two black balls or shapes each of not less than 12 inches in diameter;

Every vessel employed in laying or in picking up a telegraph cable shall carry the same position as the white light mentioned in Article 2 (a), and if a steam-vessel, in lieu of that light, three lights in a vertical line one over the other, not less than 6 feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a size as to be visible all round the horizon at a distance of at least 2 miles.

By day she shall carry in a vertical line one over the other, not less than 2 feet apart, where they can best be seen, three shapes not less than 2 feet in diameter of which the highest and lowest shall be globular in shape and red and the middle one diamond in shape and white;

(c.) The vessels referred to in this Article when not making way shall not carry the side-lights, but when making way shall carry them;

(d.) The lights and shapes required to be shown by this Article shall not be taken by other vessels as signals that the vessel showing them is in distress, and cannot therefore get out of the way;

These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in Article 31.

5. A sailing-vessel under way, and any vessel being towed, shall carry the same lights as are prescribed by Article 2 for a steam-vessel under way, with the exception of the white lights mentioned therein, which they shall not carry.

6. Whenever, as in the case of small vessels under way during bad weather, the green and red side-lights cannot be fixed, these lights shall be kept ready to be exhibited on their respective sides in sufficient time to prevent collision in any manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if possible, more than two points abaft the beam on their respective sides.

To make the use of these portable lights more certain and easy, the vessels containing them shall each be painted outside with the colour of the light they respectively contain, and shall be provided with proper screens.

7. Steam-vessels of less than 40 tons, and vessels under oars or sails of less than 20 tons gross tonnage respectively, and rowing-boats, when under way, shall not be obliged to carry the lights mentioned in Article 2 (a), (b), and (c), if they do not carry them they shall be provided with the following lights:

(1.) Steam-vessels of less than 40 tons shall carry—

(a.) In the forepart of the vessel, or on or in front of the funnel, a bright white light constructed and fixed as prescribed in Article 2 (a), and of such a character as to be visible at a distance of at least 2 miles;

(b.) Green and red side-lights constructed and fixed as prescribed in Article 2 (b) and (c), and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light right ahead to two points abaft the beam on their respective sides. The lantern shall be carried not less than 3 feet below the white light;

(2.) Small steam-boats, such as are carried by sea-going vessels, shall carry the white light at a less height than 9 feet above the gunwale, but shall not carry above the combined lantern mentioned in sub-division (1) (b);

(3.) Vessels under oars or sails, of less than 20 tons, shall have ready to hand a lantern with a green glass on one side and a red glass on the other, which, on the approach of or to other vessels, shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side;

(4.) Rowing-boats, whether under oars or sail, shall have ready to hand a lantern showing a white light, which shall be temporarily exhibited in sufficient time to prevent collision;

The vessels referred to in this Article shall not be obliged to carry the lights prescribed by Article 4 (a), and Article 11, last paragraph.

els, when engaged on their station on pilotage duty, shall not be required for other vessels, but shall carry a white light at the top all round the horizon, and shall also exhibit a flare-up light at short intervals, which shall never exceed fifteen minutes.

On the approach of or to other vessels they shall have their side-lights displayed for use, and shall flash or show them at short intervals to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.

A vessel of such a class as to be obliged to go alongside of a vessel to board may show the white light instead of carrying it at the top, and may, instead of the coloured lights above mentioned, have at the stern a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.

Vessels, when not engaged on their station on pilotage duty, shall carry lights of the same size as those of other vessels of their tonnage.

A vessel which is being overtaken by another shall show from her stern a lantern of the same size as the light on the mentioned vessel a white light or a flare-up light.

The light required to be shown by this Article may be fixed and displayed from the stern, but in such case the lantern shall be so constructed, fitted, and placed, that it shall throw an unbroken light over an arc of the horizon of the compass, viz., for six points from right aft on each side of the vessel, as to be visible at a distance of at least 1 mile. Such light shall be displayed as early as practicable on the same level as the side-lights.

A vessel under 150 feet in length, when at anchor, shall carry forward, a lantern of the same size as the light on the stern, to be seen, but at a height not exceeding 20 feet above the hull, in a lantern so constructed as to show a clear, uniform, and unbroken light visible all round the horizon at a distance of at least 1 mile.

A vessel of 150 feet or upwards in length, when at anchor, shall carry in the fore part of the vessel, at a height of not less than 20, and not exceeding 40, feet above the hull, one such light, and at or near the stern of the vessel, and at a height of not less than 15 feet lower than the forward light, another such light.

The length of a vessel shall be deemed to be the length appearing in her registry.

A vessel grounded in or near a fairway shall carry the above light or lights and the side-lights prescribed by Article 4 (a).

A vessel may, if necessary in order to attract attention, in addition to the lights required by these Rules, show a flare-up light, or any other signal which she is by these Rules required to carry, show a flare-up light, or any detonating signal that cannot be mistaken for a distress signal.

Nothing in these Rules shall interfere with the operation of any special Regulations of the Government of any nation with respect to additional station lights for two or more ships of war or for vessels sailing under the flag of the Government, or with the exhibition of recognition signals adopted by ship-owners, or with any other signals authorized by their respective Governments and duly registered.

This Order will deal with Regulations affecting fishing-boats, and will be subject to the sanction of another Order, which will be submitted to Her Majesty for Her Majesty's signature at a later date.

14. A steam-vessel proceeding under sail only, but having her funnels shall carry in daytime, forward, where it can best be seen, one black flag of the shape 2 feet in diameter.

Sound Signals for Fog, &c.

15. All signals prescribed by this Article for vessels under way shall be given—

- (1.) By "steam-vessels," on the whistle or siren;
- (2.) By "sailing-vessels and vessels towed," on the fog-horn;

The words "prolonged blast" used in this Article shall mean a blast of from four to six seconds' duration.

A steam-vessel shall be provided with an efficient whistle or siren, by steam or some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog-horn, to be sounded by mechanical means, and also with an efficient bell.* A sailing-vessel of 100 tons gross tonnage or upwards shall be provided with a similar fog-horn and bell.

In fog, mist, falling snow, or heavy rain-storms, whether by day or night, the signals described in this Article shall be used as follows, viz.:—

(a.) A steam-vessel having way upon her shall sound, at intervals of not more than two minutes, a prolonged blast;

(b.) A steam-vessel under way, but stopped and having no way upon her, shall sound, at intervals of not more than two minutes, two prolonged blasts with an interval of about one second between them;

(c.) A sailing-vessel under way shall sound, at intervals of not more than one minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession;

(d.) A vessel, when at anchor, shall, at intervals of not more than one minute, ring the bell rapidly for about five seconds;

(e.) A vessel, when towing a vessel employed in laying or in picking up telegraph cable, and a vessel under way, which is unable to get out of the way of an approaching vessel through being not under command, or unable to manoeuvre as required by these Rules, shall, instead of the signals prescribed in the sub-divisions (a) and (c) of this Article, at intervals of not more than two minutes, sound three blasts in succession, viz., one prolonged blast followed by two short blasts. A vessel towed may give this signal, and she shall not be obliged to give any other;

Sailing-vessels and boats of less than 20 tons gross tonnage shall not be obliged to give the above-mentioned signals, but if they do not they shall give some other efficient sound-signal at intervals of not more than one minute.

Speed of Ships to be Moderate in Fog, &c.

16. Every vessel shall, in a fog, mist, falling snow, or heavy rain-storm, proceed at a moderate speed, having careful regard to the existing circumstances and conditions.

* In all cases where the Rules require a bell to be used, a drum may be substituted on board Turkish vessels, or a gong where such articles are used on board small sea-going vessels.

vessel hearing, apparently forward of her beam, the fog-signal of a vessel of which is not ascertained, shall, so far as the circumstances permit, stop her engines, and then navigate with caution until danger is over.

Steering and Sailing Rules.

Preliminary—Risk of Collision.

Collision can, when circumstances permit, be ascertained by carefully observing the compass bearing of an approaching vessel. If the bearing does not change, such risk should be deemed to exist.

When two sailing-vessels are approaching one another, so as to involve collision, one of them shall keep out of the way of the other, as follows:

1. A vessel which is running free shall keep out of the way of a vessel which is close-hauled;

2. A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack;

3. When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

4. When both are running free, with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

5. A vessel which has the wind aft shall keep out of the way of the other.

6. When two steam-vessels are meeting end on, or nearly end on, so as to involve collision, each shall alter her course to starboard, so that each shall pass on the port side of the other.

7. The above only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to cases where vessels which must, if both keep on their respective courses, pass one another.

8. The above applies to cases to which it does apply are when each of the two vessels is meeting the other end on, or nearly end on, to the other; in other words, to cases in which, by day, one vessel sees the masts of the other in a line, or nearly in a line, with the other; by night, to cases in which each vessel is in such a position as to see the lights of the other.

9. The above applies, by day, to cases in which a vessel sees another ahead on her own course; or by night to cases where the red light of one vessel is seen ahead of the red light of the other, or where the green light of one vessel is seen ahead of the green light of the other, or where a red light without a green light is seen ahead, or where both green lights are seen anywhere but ahead.

10. When two steam-vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

11. When a steam-vessel and a sailing-vessel are proceeding in such a manner as to involve risk of collision, the steam-vessel shall keep out of the way of the sailing-vessel.

12. In any of these Rules one of two vessels is to keep out of the way of the other, the other shall keep her course and speed.

Note.—When, in consequence of thick weather or other causes, a vessel finds herself so close that collision cannot be avoided by the action of the way vessel alone, she also shall take such action as will best aid to avert it (see Articles 27 and 29).

22. Every vessel which is directed by these Rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing the path of the other.

23. Every steam-vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

24. Notwithstanding anything contained in these Rules, every vessel overtaking any other shall keep out of the way of the overtaken vessel.

Every vessel coming up with another vessel from any direction more than two points abaft her beam, i.e., in such a position, with reference to the bearing which she is overtaking, that at night she would be unable to see the other vessel's side-lights, shall be deemed to be an overtaking vessel; and any subsequent alteration of the bearing between the two vessels shall not make the overtaking vessel a crossing vessel within the meaning of these Rules, unless she is so far ahead of the overtaken vessel until she is finally clear.

As by day the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel, she should, in doubt, assume that she is an overtaking vessel and keep out of the way.

25. In narrow channels every steam-vessel shall, when it is practicable, keep to that side of the fairway or mid-channel which lies to the starboard side of such vessel.

26. Sailing-vessels under way shall keep out of the way of sailing-vessels fishing with nets or lines or trawls. This Rule shall not give preference to a vessel or boat engaged in fishing the right of obstructing a fairway of other vessels other than fishing-vessels or boats.

27. In obeying and construing these Rules due regard shall be had to the dangers of navigation and collision, and to any special circumstances which may render a departure from the above Rules necessary in order to avoid danger.

Sound Signals for Vessels in Sight of one Another.

28. The words "short blast" used in this Article shall mean a blast of short duration.

When vessels are in sight of one another, a steam-vessel under way shall indicate her course authorized or required by these Rules, shall indicate her course by the following signals on her whistle or siren, viz. :—

One short blast to mean, "I am directing my course to starboard."

Two short blasts to mean, "I am directing my course to port."

Three short blasts to mean, "My engines are going full speed astern."

No Vessel under any Circumstances to Neglect proper Precautions.

29. Nothing in these Rules shall exonerate any vessel, or the master, or crew thereof, from the consequences of any neglect to carry out the signals, or of any neglect to keep a proper look-out, or of the neglect to take proper precaution which may be required by the ordinary practice of seamen, in special circumstances of the case.

Deviation of Rules for Harbours and Inland Navigation.

g in these Rules shall interfere with the operation of a special
le by local authority, relative to the navigation of any harbour,
d waters.

SCHEDULE 2.

Distress Signals.

When a vessel is in distress and requires assistance from other
m the shore, the following shall be the signals to be used or
er, either together or separately, viz. :—

time—
or other explosive signal fired at intervals of about a minute ;
International Code signal of distress indicated by N C ;
istant signal, consisting of a square flag, having either above or
or anything resembling a ball ;
tinuous sounding with any fog-signal apparatus.

or other explosive signal fired at intervals of about a minute ;
s on the vessel (as from a burning tar-barrel, oil-barrel, &c.) ;
ts or shells, throwing stars of any colour or description, fired one
hort intervals ;
tinuous sounding with any fog-signal apparatus.

SCHEDULE 3.

ine Republic.
-Hungary.
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r.

ny.

Guatemala.
Italy.
Japan.
Mexico.
Netherlands.
Norway.
Peru.
Portugal.
Russia.
Siam.
Spain.
Sweden.
United States.

*BRITISH ORDER IN COUNCIL, relative to Extradition
British Guiana.—Windsor, July 7, 1897.*

At the Court at Windsor, the 7th day of July, 1897.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness the Duke of Connaught and Strathearn

Lord President.

Earl of Hopetoun.

Earl of Kintore.

Mr. Secretary Chamberlain.

WHEREAS by section 18 of "The Extradition Act, 1870,"* among other things enacted, that if by any Law or Ordinance made after the passing of the said Act by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in, or suspected of being in such British possession, Her Majesty may by Order in Council applying the said Act in the case of any such foreign State, or by any subsequent Order, either

Suspend the operation within any such British possession of the said Act, or of any part thereof, so far as it relates to such foreign State, and so long as such Law or Ordinance continues in force there and no longer;

Or direct that such Law or Ordinance or any part thereof shall have effect in such British possession, with or without modification and alterations, as if it were part of the Act;

And whereas by an Ordinance enacted by the Legislature of British Guiana the short title of which is "The Extradition Ordinance (British Guiana), 1897," it is provided that "all powers vested in and acts authorized or required to be done by a Police Magistrate or any Justice of the Peace in relation to the surrender of fugitive criminals in the United Kingdom under 'The Extradition Acts, 1870 and 1873,' are" thereby "vested in and may in the Colony be exercised and done by any Stipendiary Magistrate in relation to the surrender of fugitive criminals under the said Acts;"

And whereas it is further provided by the said Ordinance that the said Ordinance shall not come into operation until Her Majesty shall by Order in Council direct that the said Ordinance shall have effect within the Colony as if it were part of "The Extradition Act, 1870," but that the said Ordinance shall thereafter come into

* Vol. LX, page 145.

as soon as such Order in Council shall have been publicly
in the Colony:

Therefore, Her Majesty, in pursuance of "The Extradition
and in exercise of the power in that behalf in the said
ed, doth by this present Order, by and with the advice
Majesty's Privy Council, direct that the said Ordinance shall
in the Colony of British Guiana without modification or
as if it were part of "The Extradition Act, 1870."
The Right Honourable Joseph Chamberlain, one of Her
Principal Secretaries of State, is to give the necessary
therein accordingly.

C. L. PEEL.

*ORDER IN COUNCIL, applying the 20th section
of the Finance Act, 1894," to the Island of Jamaica.—
August 3, 1897.*

Court at Osborne House, Isle of Wight, the 3rd day of
August, 1897.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

President.

Lord Arthur Hill.

Privy Seal.

Sir Herbert Maxwell, Bart.

As by section 20 (3) of "The Finance Act, 1894,"* it is
that Her Majesty the Queen may, by Order in Council,
section to any British possession where Her Majesty is
that by the law of such possession either no duty is
respect of property situate in the United Kingdom when
death, or that the law of such possession as respects
leviable is to the like effect as the foregoing provisions
on;

Whereas Her Majesty is satisfied that the law of the Island
as respects the duty leviable in respect of property
in the United Kingdom when passing on death is to the
as the provisions of sub-section (1) of the aforesaid

Therefore, Her Majesty, by virtue and in exercise of the
the aforesaid Act in Her Majesty vested, is pleased, by
advice of her Privy Council, to order, and it is hereby

* Vol. LXXXVII, page 669, foot-note.

ordered, that the 20th section of "The Finance Act, 1894," apply to the Island of Jamaica.

C. L. P.

BRITISH ORDER IN COUNCIL, applying the 20th section of "The Finance Act, 1894," to the Colony of Tasmania, Balmoral, October 13, 1897.

At the Court at Balmoral, the 13th day of October, 1897.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness Prince Christian.

Lord James of Hereford.

Sir Fleetwood Edwards.

WHEREAS by section 20 (3) of "The Finance Act, 1894," enacted that Her Majesty the Queen may, by Order in Council, apply that section to any British possession where Her Majesty is satisfied that by the law of such possession either no duty is leviable in respect of property situate in the United Kingdom when passing on death, or that the law of such possession as respects any duty so leviable is to the like effect as the foregoing provisions of that section;

And whereas Her Majesty is satisfied that by the law of the Colony of Tasmania no duty is leviable in respect of property situate in the United Kingdom when passing on death:

Now, therefore, Her Majesty, by virtue and in exercise of power by the aforesaid Act in Her Majesty vested, is pleased and with the advice of her Privy Council, to order, and it is hereby ordered, that the 20th section of "The Finance Act, 1894," shall apply to the Colony of Tasmania.

C. L. P.

ORDER IN COUNCIL, for applying the provisions of "The Merchant Shipping Act, 1894," to the Ellice, and Solomon Islands.— Windsor, November 1897.

Court at Windsor, the 26th day of November, 1897.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Privy Seal.

Mr. Ritchie.

By section 737 of "The Merchant Shipping Act," it is provided that where under that Act anything is to be done by, to, or before a British Consular officer, and in any place outside Her Majesty's dominions in which Her Majesty has no such officer, such thing may be done in or before, to, or before such officer as Her Majesty in Council

may cause the groups of islands known as the Gilbert and Ellice Islands and the Solomon Islands respectively are places within Her Majesty's dominions in which Her Majesty has jurisdiction in which there is no British Consular officer;

and as it has been made to appear to Her Majesty that it is expedient that the officers hereinafter named should exercise in the said groups of islands the powers and duties of a British Consular officer under the said Merchant Shipping Act,

Her Majesty in Council, by virtue of the power conferred by section 737 of "The Merchant Shipping Act," has caused to direct that anything which is under that Act to be done by, to, or before a British Consular officer in each of the groups of islands known as the Ellice Islands and the Solomon Islands so far as they are respectively by, to, or before the officer for the time being acting as Deputy Commissioner or Resident in each of those groups

C. L. PEEL.

NOTES respecting the Termination of the Commercial Treaty between Great Britain and Belgium.—July 28, August 3, 1897.

The Marquess of Salisbury to Sir F. Plunkett.

SIR,

Foreign Office, July 28, 1897.

I HAVE to request that you will at once give notice of intention of Her Majesty's Government to terminate the Treaty of Commerce and Navigation between Great Britain and Belgium signed on the 23rd July, 1862.*

In virtue of the stipulations contained in Article XXV of the Treaty will accordingly terminate upon the expiration of a period of three months dating from the day upon which you give the notice.

I am, &c.,

Sir F. Plunkett.

SALISBURY

Sir F. Plunkett to the Marquess of Salisbury.

MY LORD,

Brussels, August 3, 1897.

I RECEIVED late yesterday evening the note, copy of which is inclosed, from M. de Favereau, announcing receipt of the communication which I had made to him on the 29th ultimo, announcing the Treaty of Commerce and Navigation signed on the 23rd July, 1862, between Great Britain and Belgium.

His Excellency takes friendly note of my declaration that Her Majesty's Government is willing to open negotiations for the conclusion of a new Treaty, and expresses the hope that a Treaty based on mutually advantageous conditions, may be concluded at an early time to take effect from the expiration of the present Arrangement.

I have, &c.,

The Marquess of Salisbury.

F. R. PLUNKETT

(Inclosure.)—M. de Favereau to Sir F. Plunkett.

*Ministère des Affaires Étrangères, Bruxelles,
le 2 Août, 1897.*

M. LE MINISTRE,

VOTRE Excellence par sa lettre du 29 Juillet dernier a dénommé au nom du Gouvernement de Sa Majesté Britannique, le Traité de Commerce et de Navigation conclu le 23 Juillet, 1862, entre la Grande-Bretagne et la Belgique.

J'ai l'honneur de lui donner acte de cette dénonciation.

* Vol. LII, page 8.

ant à ma connaissance les raisons qui engagent le
ont Britannique à mettre fin à l'Acte International du
1862, votre Excellence a bien voulu me faire part du
binet de Londres de voir s'ouvrir des négociations en
gnature d'un nouveau Traité.

est aussi celui du Gouvernement du Roi, et celui-ci
eux pour qu'un Traité conclu sur des bases avanta-
les deux parties puisse être mis en vigueur lorsque
l'acte qui régit depuis trente-cinq ans les relations
s entre la Belgique et la Grande-Bretagne, et sous
quel ces relations ont atteint un si heureux développe-
Je saisis, &c.,

DE FAVEREAU.

*respecting the Termination of the Commercial Treaty
Great Britain and Germany.—July 28–31, 1897.*

The Marquess of Salisbury to Sir F. Lascelles.

Foreign Office, July 28, 1897.

to request that your Excellency will at once give notice
tion of Her Majesty's Government to terminate the
Commerce between Great Britain and the Zollverein,
e 30th May, 1865.*

e of the stipulations contained in Article VIII, the
accordingly terminate upon the expiration of a year
the day upon which you give the notice.

I am, &c.,

SALISBURY.

Sir F. Lascelles to the Marquess of Salisbury.

Berlin, July 31, 1897.

the honour to transmit to your Lordship herewith copy
ion of a note which I have received from Baron von
n which his Excellency acknowledges receipt of the
of the intention of Her Majesty's Government to
he Treaty of Commerce between Great Britain and

I have, &c.,

FRANK C. LASCELLES.

* Vol. LV, page 34.

(*Inclosure.*)—*Baron Rotenhan to Sir F. Lascelles.*

(*Translation.*)

Berlin, July 30,

THE Undersigned has the honour to acknowledge the receipt of Sir Frank Cavendish Lascelles' note of to-day's date, by which the Treaty of Commerce between the German Zollverein and the United Kingdom of Great Britain and Ireland of the 30th May, 1862, is denounced.

As a consequence of this denunciation, the Treaty in question and the supplementary Agreements relating to its extension to various German States which subsequently joined the German Zollverein, and to Alsace Lorraine, will cease to be in force from the 30th July, 1898.

The Undersigned avails, &c.,
Sir F. Lascelles.

ROTEH

REGULATIONS for the Administration of Justice in Native Courts in the East Africa Protectorate.—October 2, 1897.

REGULATIONS made by Her Majesty's Commissioner and Consul General under Article 52 of "The East Africa Order in Council, 1897."*

Definitions.

1.—(a.) The term "native" in these Regulations means a native of Africa not of European or American origin, and includes any person not of European or American origin, who, within the dominions of the Sultan of Zanzibar, would be subject to His Highness' jurisdiction, even though such person should not have been born in Africa;

(b.) A "native" who in virtue of any existing International Agreement would be exempt throughout His Highness' dominions from the jurisdiction of the Sultan of Zanzibar, or from any jurisdiction conceded or delegated by him, shall continue to be so exempt within such portions of the Protectorate as are under His Highness' sovereignty, but in such portions only. Beyond the Zanzibar boundary he shall be subject to all the provisions of these Regulations, provided always that nothing in these Regulations shall be construed as giving any Court created under them any jurisdiction in any portion of the territory subject to the said Regulations.

over—

s Highness the Sultan of Zanzibar;
 s Highness the Sultan of Witu;
 y independent African Sovereign formally recognized as
 er Majesty;
 "the Protectorate" means the whole of the East Africa
 te, with the exception of the dominions of His Highness
 of Witu;
 "Mahommedan coast region" means the territory comprised
 and other purposes in the vilayets described in Articles
 37 of the present Regulations, whether within or without
 ons of the Sultan of Zanzibar;
 "European officer" includes any officer of European origin
 by the Protectorate, whether born or not within the
 al limits of Europe;
 "Native Court" includes any Court created or recognized
 the present Regulations, and having jurisdiction over
 "Judicial Officer" means the Judicial Officer of the East
 tectorate;
 "Province" means Province of the Protectorate, as defined
 nmissioner;
 "District" means a district of a province as defined by the
 ner.
 s provided in this Regulation, and unless the context
 requires, Articles 3 and 4 of "The East Africa Order in
 1897," shall apply to these Regulations in like manner as
 to that Order.

I.—Courts and General Legal System.

classes of Native Courts are hereby established, that is
 Native Courts presided over by an European officer, viz.:
 the High Court;
 the Chief Native Court;
 provincial Courts;
 District Courts;
 Assistant Collectors' Courts; and
 Native Courts presided over by a native authority, viz.:
 Chiefs' Courts;
 Courts of local Chiefs;
 Mussulman Religious Courts, having the powers hereinafter
 Native Courts mentioned in Article 2 (a) shall, as far as
 be guided by the Indian Civil Procedure Code, and the

Indian Penal and Criminal Procedure Codes, but both in criminal cases they shall, within the Mahommedan coast region, in dealing with Mahommedans, also be guided by, and have regard to, the general principles of the Law of Islam, and through the Protectorate be guided by, and have regard to any native laws and customs not opposed to natural morality and humanity.

4. The Native Courts mentioned in Article 2 (*b*) shall be subject to the provisions of these Regulations, by the native laws and customs existing in their respective jurisdictions.

5. Nothing in the two foregoing Articles shall prevent any Native Court of whatever description from applying any laws or enactments, or modifications of existing laws, enactments or customs, which may at any future time be made, or introduced or sanctioned by, under, or in virtue of Her Majesty's authority.

II.—*The High Court.*

6. A High Court for the Protectorate is hereby established, which shall be the highest Court of Appeal in civil and criminal cases from Native Courts, and the Court authorized to hear appeals in other matters as provided by these Regulations, and the Indian Penal and Criminal Procedure Codes.

7. The High Court shall sit at Zanzibar or Mombasa, and shall consist of the Commissioner, the two senior Judges of the Court at Zanzibar, established under "The Zanzibar Ordinance, 1897,"* and the Judicial Officer: provided always that the Judicial Officer shall not take part in any proceeding in the High Court, unless requested to do so by the Commissioner.

8. The High Court may invite the co-operation of Assessors with a consultative voice only, for the purpose of giving it information where required respecting native laws and customs.

9. The Commissioner shall be the President of the High Court.

III.—*The Chief Native Court.*

10. A Court is hereby constituted for the Protectorate, to be known as the Chief Native Court, which shall be presided over by the Commissioner. The Chief Native Court shall have the powers of a District Judge and a District Judge, as defined by the Indian Criminal and Civil Procedure Codes, and such other powers as are conferred on it by these Regulations, and for the purposes of applying the said Codes, the Protectorate shall (subject to the provisions of these Regulations) be deemed to be a district of an Indian Presidency.

* Page 380.

Native Court shall be deemed to be a Court of Session meaning of the Indian Criminal Procedure Code. The two senior Judges of the British Court at Zanzibar shall be Judges of the Chief Native Court, provided always that they take part in any proceeding in the Chief Native Court requested to do so by the Commissioner.

The Chief Native Court shall hold regular Sessions at such times as the Judicial Officer may, by public notice, appoint. It shall also hold a Session at least twice a year, and once a year for the present at Kismayu and Lamu, but may hold them more frequently in all three places as shall arise, and shall be at liberty to hold Sessions at any time within the Protectorate according as the Commissioner from time to time appoint.

In cases of wilful murder arising within the Mahommedan part of the Protectorate the Judge of the Chief Native Court may decline to receive the payment of "diya," and in cases of manslaughter or culpable homicide the person may impose, in addition to or in lieu of "diya," a term of imprisonment as he may think fit: provided always that the term shall not exceed that to which a person convicted of the offence, for which such term has been imposed, would be liable under the Indian Penal Code.

The Chief Native Court may invite the co-operation of the Assessors with a consultative voice only for the purpose of obtaining information where required respecting native law or customs.

The Chief Native Court shall exercise a general supervision over the inferior Native Courts within the Protectorate, including the Religious Courts, and shall have the right to inspect and to require the production of the records of any such Courts, and to enforce compliance with all rules or orders that may from time to time be prescribed under, or by virtue of, these Regulations, or by lawful authority.

It shall be lawful for the Commissioner, in the absence of the Judicial Officer from the Protectorate, or while incapacitated from performing his duties, to appoint any person being a barrister at law in England or Ireland, or an advocate of Scotland, of three years' standing to act as Judicial Officer for the purpose of these Regulations.

IV.—*Provincial Courts.*

In every province of the Protectorate there shall be a Court of Session to be called the Provincial Court, which shall be presided over by the Sub-Commissioner of the province, who shall have the

powers of a District Magistrate in criminal matters, as defined by the Indian Criminal Procedure Code, but subject to the provisions of these Regulations, and a jurisdiction up to 5,000 rupees in civil matters.

18. The limits of the jurisdiction of a Provincial Court shall coincide with those of the province in which it is situate.

19. The Provincial Courts shall usually be held in the chief town or seat of Government of the province, and at such times as the Sub-Commissioner may, by public notification, appoint, but shall be held whenever possible not less frequently than once a-week.

20. The Sub-Commissioner may hold a Provincial Court at any other convenient place within the province, should there be a special reason for his doing so.

21. The Sub-Commissioner may appoint a deputy, being a European officer of the Protectorate Administration, to hold a Provincial Court for him in his absence, but the decisions of such deputy shall require the confirmation of the Sub-Commissioner.

22. In holding any Provincial Court the Sub-Commissioner shall be assisted by two or more (or where two are not available, by one) Native Assessors with a consultative voice only, for the purpose of giving him information where required as to local law or custom. In the Mahommedan coast region one at least of the Assessors shall be a Cadi, and in the non-Mahommedan region an Elder, where possible, of the tribe to which the prisoner or defendant belongs.

V.—*District Courts.*

23. In every district there shall be a Court, to be called a District Court, which shall be presided over by the Collector of the district, who shall have the powers of a Magistrate of the Second Class in criminal matters, as defined by the Indian Criminal Procedure Code, but subject to the provisions of these Regulations, and a jurisdiction up to 2,500 rupees in civil matters, but no decision of a District Court which determines the title to land of more than 10 acres in extent or 500 rupees in value shall be binding unless confirmed by a Provincial Court.

24. The limits of the jurisdiction of the District Court shall coincide with those of the district in which it is situate.

25. The District Courts shall usually sit at the seat of Government of the district, but may sit at any other place within the district that the Sub-Commissioner may appoint, and at such times as the Collector may, by public notification, appoint, but shall be held less frequently, whenever possible, than once a-week.

26. The Collector may hold a District Court at any other

at place within his district, should there be special reason
ing so.

The Collector may appoint a deputy, being an European
the Protectorate Administration, to hold a District Court
his absence; but the decisions of such deputy shall require
ion by the District Officer in all civil cases where the
involved is more than 500 rupees in value, and in all
cases where a whipping has been ordered, or a sentence of
one month's imprisonment, or fine of more than 60 rupees,
imposed.

In holding any District Court the Collector shall be assisted by
one (or where two are not available by one) Native Assessors,
consultative voice only, for the purpose of giving him informa-
tion required as to native law and custom. In the Mahom-
medan region one at least of the Assessors shall be a Cadi, and
in the non-Mahommedan region an Elder, wherever possible, of the
tribe to which the prisoner or defendant belongs.

VI.—*Assistant Collector's Courts.*

The Collector shall have power to direct any Assistant
in his district to hold a Native Court, to be called an
Assistant Collector's Court.

The Assistant Collector's Court shall have the powers of a
Court of the Third Class in criminal matters, as defined by the
Criminal Procedure Code, but subject to the provisions of
regulations, and a jurisdiction up to 500 rupees in civil
cases, but no decision of an Assistant Collector which determines
title to land of more than 5 acres in extent or 250 rupees in
value shall be binding until confirmed by a District Court.

The Assistant Collector's Court shall usually be held at the
residence of the Assistant Collector, and at such times as
may be appointed by public notification, appoint, but not less frequently,
if possible, than once a week, provided always that the
Collector may at any time direct the Assistant Collector to hold a
Court at any place within the district, and at such time or times as
may be thought fit.

In the absence of the Assistant Collector, the Collector may
appoint any other European officer of the Protectorate Administra-
tion in the district to hold an Assistant Collector's Court,
but that no decision of such officer shall take effect until
confirmed by the District Officer.

In holding any Assistant Collector's Court the Assistant
Collector shall be assisted by at least one Native Assessor with a
consultative voice only, for the purpose of giving him information

when requested as to native law and custom. Such Assessor shall in the Mahommedan coast region, be a respectable Mahommedan resident, and in the non-Mahommedan region a member, wherever possible, of the tribe to which the prisoner or defendant belongs.

34. The Provincial, District, and Assistant Collector's Court shall keep regular written records of all cases tried before them; and Collectors shall furnish to the Provincial Court half-yearly a statement showing the number of civil and criminal cases tried, and the number of Courts held by them and their Assistant Collector, giving the dates and places at which such Courts have been held with any other particulars that the Commissioner may from time to time direct, and shall send a report upon the working of the Native Courts within their jurisdiction; and the Sub-Commissioner shall forward a copy of such statements and reports, with a similar statement and report relating to the Courts held by him and the working of the Native Courts within his province, to the Commissioner.

VII.—*Walis' Courts.*

35. Subject to the provisions of these Regulations, the concurrent jurisdiction of the following native Magistrates empowered to try civil and criminal cases within the Mahommedan coast region over natives residing within it is hereby recognized—

In the district of Vanga: The Walis of Vanga and Gazi.

In the district of Mombasa: The Wali of Mombasa.

In the district of Malindi: The Walis of Takaungu, Malindi, and Mambrui.

In the district of Lamu: The Walis of Lamu, Siyu, and Faza.

In the district of Port Durnford: The Wali of Itembe.

In the Lower Juba district: The Wali of Kismayu.

36. The jurisdiction of the Walis is confined to the dominions of the Sultan of Zanzibar, with the exception of the Wali of Itembe, who shall have jurisdiction over the coast from Kwyhoo to the southern border of the Province of Jubaland, and over the country behind the coast within these limits for 10 miles (English) inland, and the Wali of Kismayu, who shall have jurisdiction from the southern border of the Province of Jubaland to the mouth of the River Juba, and over the country behind the coast within those limits for 10 English miles inland, including Gobwen and Turki Hill.

37. The following are the limits of the remaining vilayets: By miles are understood English miles, and the distance inland is understood to be measured from the coast-line, not from high-

rk, so that the inland boundaries of the vilayets are cases necessarily coterminous with those of the Sultanate.

—From the mouth of the River Uмба to the mouth of the
noja, and 10 miles inland.

-From the mouth of the River Mamoja to the mouth of Diani, and 10 miles inland.

sa.—From the mouth of the creek Diani to a point on the
a-mile to the north of Kurwitu, whence the boundary runs
north-north-westerly direction to a point 10 miles inland,
e in a direct south-south-westerly direction to a point
aland from the mouth of the creek Diani, and thence in a
ne to the said mouth.

ngu.—From the northern boundary of the Vilayet of to the mouth of the Uyombo Creek and 10 miles inland, boundary being deflected so as to include within its townships of Tanganiko, Gonjoro, and Chori or Coeni.

vi.—From the mouth of the Creek Uyombo to the mouth
of the river Sabaki, and 10 miles inland, the boundary following
the course of the river.

vi.—From the mouth of the River Sabaki to the mouth of Tana, and 10 miles inland, the boundary following that of the Provinces of Seyyidieh and Tanaland.

—The Islands of Lamu and Manda, and the mainland in the northern boundary of the Vilayet of Mambrai to the boundary of the Sultanate of Witu, as defined in the act of [July 1, 1890],* and 10 miles inland.

-The Island of Siyu.

—The Island of Faza.

the Wali in each of the vilayets, as defined by these Regulations as they may be, from time to time, modified, created, or by the Commissioner, shall form and hold a Court, to be the Wali's Court, or Court of the vilayet.

Such Court shall be held in the town wherein the Wali resides at such times as he may appoint, and, except during religious feasts or the month of Ramadam, not less than twice at least. The Cadi of the district shall sit with the Wali, necessary, to advise him on points of law.

the powers of the Wali's Courts, both civil and criminal, identical with those hereby conferred upon the District and all cases within his competency shall be instituted at the instance of the plaintiff or prosecutor either in the Wali's Court or in the District Court, provided always that a defendant or respondent in the Wali's Court may declare that he desires to be sued in the District Court. Such declaration must be made by

* Vol. LXXII, page 35.

the defendant or prisoner before the case is opened, and upon such declaration being made the Wali shall remit the case for trial to the District Court.

41. The Wali shall, on his own motion, be at liberty to remit any action at any stage to the District Court if he shall think fit.

42. The Wali's Courts, unless specially relieved from the obligation by the Sub-Commissioner for good cause to be certified to the Commissioner, shall keep regular written records of all cases tried by them, and shall furnish half-yearly to the Provincial Court a similar statement to that required from a District Court.

43. The Collector may from time to time and for such period as he may think fit appoint any responsible native to act as a Mudir and in that capacity to hold a Court within any part of his district to be called a Mudir's Court.

44. The Collector may confer upon the Mudir's Court any jurisdiction not exceeding that of an Assistant Collector's Court, as he may think fit.

45. Within such limits as may be assigned by the Collector to the Mudir's Court, the jurisdiction of every other Court presided over by a native shall, to the extent of the jurisdiction conferred on the Mudir's Court, absolutely cease during the continuance of such Court.

VIII.—*Jurisdiction of Tribal Chiefs.*

46. Subject to the provisions of these Regulations, the concurrent jurisdiction, both civil and criminal, of the following tribal Chiefs in the territories within the Protectorate situated outside the Mahommedan coast region, is hereby recognized :—

In the district of Vanga : The Chiefs and Elders of the Wasegua and Wadigo.

In the district of Mombasa : The Chiefs and Elders of Duruma, Rabai, Kambi, Ribe, and Chogni.

In the district of Malindi : The Chiefs and Elders of Giriama, Kauma, and of the local tribes of Gallas.

In the Tana River district : The Chiefs and Elders of the Wapokomo, and of the local tribes of Gallas respectively.

In the Lower Juba district ; The Somali Chiefs of Biscaya and Youte.

In the Upper Juba district : The Somali Sultan and Chiefs of Afmadu, and the Chiefs and Elders of Goshu.

In the Kenia district : The Chiefs and Elders of the Wakikuyu and Masai.

In the Athi district : The Chiefs and Elders of Wakamba.

In the Taita district : The Chiefs and Elders of Taita and Taveta

ther tribal Chief whom the Commissioner may at any time recognize as exercising for the purpose of these Regulations ultimate authority over his tribesmen.

Outside the Mahomedan coast region the Provincial and District Courts should hear all cases within their competence within 15 miles from their regular seats, but beyond such radius they shall be bound to take cognizance of them to the exclusion of the authorities enumerated in the preceding Article, unless the parties is an European or other person not subject to Regulations, or (2) unless one of the parties, being a native, demands that the case be heard before the District or Provincial Court; in the latter case the Collector shall inquire into the merits of the case, and, at his discretion, either hear it himself or refer to the local tribal authority, or if it be a case for the District Court, refer the matter to the Sub-Commissioner. The Sub-Commissioner shall then exercise his discretion as to whether he will hear the case himself, or leave it to be dealt with, either wholly or partly by the local tribal authority.

The Sub-Commissioner and Collector shall exercise in their respective capacities all reasonable supervision within their power over the procedure and punishments used by the tribal authorities in their respective provinces and districts, but shall not disallow or interfere with their orders and punishments, unless such punishments are essentially inhuman or unjust, as, for example, where convictions are obtained by witchcraft or torture, or where penalties such as mutilation, cruel corporal punishment, or the enslavement of a condemned person or his relations.

The Sub-Commissioner or Collector may, so far as he thinks proper, attempt to enforce the order of any tribal authority within his province or district, but shall not be obliged to do so.

Where in the course of time a Sub-Commissioner or Collector shall be of opinion that the exclusive jurisdiction of a District Court, District Court, or Assistant Collector's Court should advantageously be extended over a larger area than that provided in Article 38 of the present Regulations, a recommendation to that effect shall be made to the Commissioner, who, if he approves, shall proceed to give directions accordingly.

IX.—*Appeals.*

In all civil cases, a right of appeal within such period or periods as the Commissioner may from time to time prescribe shall lie—
From an Assistant Collector's or Mudir's Court to the District Court of the district in which those Courts are situate;

(b.) From a District or Wali's Court to the Provincial Court, the province in which the District or Wali's Court is situate ;

(c.) From a Provincial Court to the Chief Native Court, **provided** that no appeal shall lie, except with the leave of the Provincial Chief Native Court, in cases where the property in dispute **does not** exceed 500 rupees in value, or where the action has been brought before the Sub-Commissioner by way of appeal.

(d.) From the Chief Native Court to the High Court, **provided** that, except with the leave of the Chief Native Court or the High Court, no appeal shall lie in cases where the property in dispute does not exceed 500 rupees in value, or where the action has been brought before the Chief Native Court by way of appeal.

52. In all criminal cases an appeal shall lie, as provided for by Chapter XXXI of the Indian Criminal Procedure Code.

X.—*Mussulman Ecclesiastical Courts.*

53. Within every vilayet of the Protectorate the Cadi of the vilayet shall hold a Court, to be called a Cadi's Court. Such Court shall usually sit at the ordinary place of residence of the Wali, but may sit at any other place within the vilayet, either permanently or temporarily, as the District Officer within whose jurisdiction the vilayet is situate may from time to time direct.

54. No Cadi's Court shall have any jurisdiction over cases arising outside the limits of his vilayet except by consent of all parties interested, or by the direction of the Sub-Commissioner within whose province the Cadi's Court is situate.

55. The Cadi's Court shall take cognizance of all matters affecting the personal status of Mahommedans (such as marriage, divorce, and inheritance), and the fulfilment by the public ministers of the Mahommedan religion of their duties and obligations as such.

56. A Court is hereby constituted, to be called the Chief Cadi's Court. It shall be presided over by a Chief Cadi for the whole Mahommedan coast region, who shall be called the Sheikh-ul-Islam, and who shall hold his Court at Mombasa.

57. An appeal shall lie from the Chief Cadi's Court to the High Court, which shall have power either to hear the case by way of appeal, or to remit the case either with or without directions for rehearing by the Chief Cadi's Court. On the hearing of any such case, the High Court may take whatever steps it may deem right or desirable for satisfying itself as to the Mahommedan laws and customs applicable to the case.

58. Subject to the provisions of these Regulations, the law and procedure in the Mussulman Ecclesiastical Courts shall be identical

which has hitherto been observed by them in accordance with the laws of the Sultanate of Zanzibar.

Cases relating to the personal status of Mahomedan natives and non-Mahomedan members of the Sunni or Ibadhi sects may be heard by the ordinary Courts, which shall, as far as possible, ascertain and apply the particular law of their respective countries.

The Sheikh-ul-Islam shall be appointed by the Commissioner, and all other Cadis shall be appointed by the Sub-Commissioner in the respective provinces.

None of the foregoing provisions shall have the effect of depriving the ordinary Courts of any question that may be incidental or ancillary to the decision of any case lawfully brought before them, and in particular shall not prevent them from an inquiry into the legitimacy or status of any person, for the purpose of deciding the right to any property in

any dispute that may arise as to the competence of a Native Ecclesiastical Court to try any case shall be decided by the Native Court, and shall be deemed to be a civil matter for the meaning of these Regulations for the purposes of

Mussulman Ecclesiastical Courts shall keep regular records of all cases tried by them, and may be required at any time to furnish a statement thereof to the Chief Native Court, and particulars as may be directed.

XI.—*Personal Status of non-Mahomedans.*

Matters affecting the "personal status" of non-Mahomedan natives shall be cognizable both in the Mahomedan coast region and in the interior by the ordinary Courts, which, in regard to native cases, shall apply the law for the time being in force in such parts of British India, and in regard to natives, not professing the Christian or Mahomedan faiths, the law of their caste or country, so far as it can be ascertained, and so far as it is not, in the absence of the Court, repugnant to natural morality.

A native Christian includes any native who has either been baptized or who has not subsequently formally abjured the Christian faith, and who is certified, to the satisfaction of the Court, by the European head of any recognized Christian Mission within the Protectorate, or in Zanzibar, Uganda, German or Italian East Africa, to be a *bonâ fide* member of any Christian religious body.

XII.—*Supplementary Provisions*

66. The powers of the Local Government under the Indian Criminal and Civil Procedure Codes shall be exercised for the purposes of these Regulations by the Commissioner.

67. All cases which by the provisions of the Indian Criminal Procedure Code are to be tried by a Sessions Judge, or Assistant Sessions Judge sitting with Assessors or a jury, shall be tried before the Chief Native Court, or an Assistant Sessions Judge, as the case may be, with Assessors.

68. Such Assessors shall not be less than two or more than four in number, and shall be chosen, as far as possible, in conformity with the provisions of the Indian Criminal Procedure Code.

69. The Commissioner shall have the absolute right of remitting or reducing any sentence passed by any Native Court, provided always that in the case of any sentence passed by the High Court in a case where the Commissioner has sat as a Judge of the High Court, and has been in a dissentient minority, his right shall be subject to the sanction of the Secretary of State.

70. The Commissioner shall have power to make rules for the conduct of the business of the Courts established under these Regulations, and for the direction of the Judges and Magistrates presiding in such Courts, and generally for the purpose of carrying out these Regulations, and shall also have power to fix, and from time to time to alter, the scales of fees to be charged in any of the Courts hereby created.

71. In fixing such scales he may have regard to the varying necessities of different districts, and may, if he deems it advisable, fix different scales in different Courts having similar jurisdiction. All fees and fines must be accounted for and paid to the Treasury of the Protectorate.

72. Any Native Court shall, subject to the provisions and limitations of these Regulations, be at liberty to inflict a whipping in lieu of or in addition to imprisonment for any offence, whether prescribed as a punishment for such offence by the Indian Penal Code or not, provided that the greatest number of lashes that any Court may inflict shall be as follows:—

	Lashes.					
The Chief Native Court..	100
A Provincial Court	50
A District Court..	25
A Wai's Court	25
An Assistant Collector's and Mudir's Court	12
A Cadi's Court	25

Native Courts shall take official cognizance of all ordinances promulgated from time to time in the Protectorate.

Capital punishment may be inflicted either by shooting or

the execution of any sentence of death, or of whipping, shall be carried out in the presence of a medical officer or a European officer of the Protectorate Government, unless this is otherwise ordered. For the purpose of this Article, every Court, unless otherwise ordered by a European officer, shall give notice to the principal European officer of the district of every sentence of whipping passed, and of the time and place at which it is to be carried into

effect. A sentence of whipping shall be executed by instalments, and the execution of whipping shall be executed or, if begun, proceeded with by a medical officer or the European officer is of opinion that the person is not in a fit state of health to undergo the punishment due thereof. The instrument used in whipping shall be such as the Commissioner may from time to time direct.

Where it is shown to the satisfaction of the Commissioner that a person subject to these Regulations is disaffected to Her Majesty's Government or to the Government of His Highness the Sultan of Zanzibar, or of His Highness the Sultan of Witu, or has committed or is about to commit, an offence against these Regulations, or is otherwise conducting himself so as to be dangerous to the good order in the Protectorate, or is intriguing against the Government of the Protectorate, the Commissioner may, if he is satisfied, by an order under his hand and seal official, direct such person to be removed to or interned in such place within the limits of the Protectorate as he may direct, or may prohibit him from leaving the Protectorate during any time specified in such order, or prohibition or removal.

The Commissioner shall forthwith report to Her Majesty's Secretary of State for Foreign Affairs every order made by him under the preceding Article and the grounds thereof, and the provisions thereunder.

An appeal shall not lie against any such order, but the Commissioner may, by order under his hand and seal official, vary or revoke any such order.

All persons shall be equally entitled to have access to or to sit in every Native Court within the Protectorate, and it shall be lawful for any Native Court to impugn or reject the proceedings of any person on the ground of his personal status or of his opinions, any native law or custom to the contrary notwithstanding.

Any party to an action may be represented by a legal

adviser who has a right of audience in the Courts of protectorate, or by any other person whom he may appoint in accordance with the provisions of the Indian Civil and Procedure Codes, or with the sanction of the Judge presiding in the Court in which the action is being tried.

82. All matters shall, as a rule, be brought into the Court competent to try them; but it is hereby provided that the Judge presiding over the Court may, if he thinks fit, determine any cause arising within the limits of his jurisdiction, whether civil or criminal, brought before such Court, or may refer it to the lowest Court in which such action could have been commenced, or such other Court lower than his own, which he may think fit.

83. Cases shall, as a rule, be heard and determined in the province and district in which the cause of action arises, or where the defendant resides or carries on business, or, if relating to land, where the land is situated; but the Judge of any Court in which an action is commenced may, if the matter is within the competence of his Court, and he thinks fit, and no party to the action objects, hear and determine it, notwithstanding the provisions of the last provision. But in any such case, the Judge shall forthwith give effect to the circumstances of the case and his Judgment to the Court in which the case would ordinarily be triable.

84. The Commissioner may, for the more convenient administration of justice, direct that the Sub-Commissioner in any district shall, during the pleasure of the Commissioner, have the powers of an Assistant Sessions Judge, as defined by the Indian Civil Procedure Code, and a jurisdiction in civil cases to an extent not exceeding such limits as may be determined by the Commissioner.

85. Any "Police Magistrate" may issue a warrant for the apprehension of any person subject to these Regulations. For the purpose of these Regulations, the term "Police Magistrate" includes Her Majesty's Commissioner and Judicial Officer of any portion of the Protectorate, and any Sub-Commissioner, Assistant Collector, Wali, Cadi, Mudir, commissioned officer, or recognized native Chief, within the limits of the respective jurisdictions, and any other officer to whom the Commissioner may direct that a Judicial Officer may issue a warrant under his hand and seal, as a special Police Magistrate.

86. Any person apprehended under the foregoing Regulations shall, on being brought before the Police Magistrate, and after being formally charged before him, be committed by him for trial to the Court he shall deem that there is no ground for committal, but to the nearest competent Court.

87. The following shall be recognized as official languages:

tive Court: (1) English; (2) Arabic; (3) Swahili; (4)
(5) any local or other language in which any Native
y see good or special reason to hear pleadings or receive

ll fees, fines, and any sum of money whatsoever paid into
e Court shall be paid in any coin legally circulating within
ectorate, but in the Province of Ukamba, and in other
in which the use of a money currency is unknown or
ly known, they may, at the discretion of the Court, be paid
he valuation being fixed by the Court.

o Judge, Magistrate, Collector, or other person acting
shall be liable to be sued in any Civil Court for any act
ordered to be done, by him in the discharge of his judicial
ether or not within the limits of his jurisdiction, provided
t the time, in good faith, believed himself to have jurisdic-
o or order the act complained of; and no officer of any
other person, bound to execute the lawful warrants or
any such Judge, Magistrate, Collector, or other person
dicially, shall be liable to be sued in any Civil Court for the
a of any warrant or order which he would be bound to
if within the jurisdiction of the person issuing the same.

These Regulations shall not be repealed or altered, save with
ion of Her Majesty's Secretary of State for Foreign

These Regulations shall come into operation on and after the
ober, 1897.

These Regulations may be cited as "The Native Courts
ons, 1897."

*SH NOTIFICATION respecting the modified Form of
laration to be issued by the Belgian Legation in London
ases of Mixed Marriages in the United Kingdom between
tish and Belgian Subjects. — London, February 16,
7.**

Foreign Office, February 16, 1897.

s hereby notified that the Belgian Government have modified
rm of Declaration to be issued by the Belgian Legation in
in cases of mixed marriages in the United Kingdom between
and Belgian subjects, so as to bring it into accord with the

* "London Gazette," February 19, 1897.

Law of the 30th April, 1896, amending the Marriage Law of Belgium. •

The following is a copy of the modified Form of Declaration:—

Form of Declaration to be issued by the Belgian Minister in cases of Marriage in the United Kingdom between British and Belgian Subjects.

Le Ministre de Belgique à _____ déclare—

1. Que les Belges ne peuvent se marier sans avoir obtenu le consentement de leurs parents, ou des autres personnes indiquées par la loi.

2. Que d'après les pièces qui lui ont été présentées, M. _____
(nom, prénom, et profession), né à _____ le _____
, demeurant à _____ et qui propose de contracter mariage avec M. _____ (nom, prénom, et profession).
né à _____ le _____, demeurant à _____
est de nationalité Belge.

3. Que les prescriptions de la Loi Belge du 26 Décembre, 1891,* ont été observées en ce qui concerne la publication de son futur mariage.

4. Que le futur époux a produit les pièces (indiquer ces pièces) qui établissent, soit qu'il a obtenu pour son mariage le consentement des parents ou d'autres personnes dont le consentement est exigé, soit que les parents dont le consentement eût été nécessaire sont décédés, soit que les formalités nécessaires pour suppléer à ce consentement ont été remplies (le Ministre pourrait indiquer ici de quelles personnes le consentement émane). Articles 1, 2, 3, 4, 5, 6, et 7 de la Loi Belge du 30 Avril, 1896; Articles 154, 158, et 159 du Code Civil.

5. Qu'aucune opposition à ce mariage ne s'est produit jusqu'à ce jour, et que s'il ne s'en révèle jusqu'au moment de la célébration du mariage, les futurs époux seraient admis à contracter mariage en Belgique.

Le Ministre déclare, en outre, que le mariage contracté en pays étranger entre un Belge et un étranger est valable s'il a été célébré conformément aux lois du pays et à la condition—

(1.) Que les futurs époux aient l'âge requis par la loi—18 ans pour le futur, et 15 pour la future (Article 144 du Code Civil)—ou qu'ils aient obtenu une dispense d'âge (Arrêté Royal du 5 Janvier, 1864);

(2.) Que le consentement de chacun des deux époux ait été absolument libre (Article 146 du Code Civil);

que l'un des époux ne soit pas dans les liens d'un précé-
 dage (Article 147 du Code Civil);
 que le mariage projeté ne viole pas les défenses de mariage
 entre parents et alliés au degré prohibé (Articles 161 à 163 du Code
 Civil);
 que les dispenses prévues par la loi aient été obtenues
 (Article 164; Loi du 28 Février, 1831).
 Le Ministre déclare encore que l'étrangère qui épouse un Belge
 devient Belge par le fait seul de son mariage (Article 12 du Code
 Civil);
 que les enfants issus du mariage, même nés en pays
 étranger, sont Belges (Articles 10 et 312 du Code Civil).
 C'est pourquoi nous avons délivré le présent certificat, pour valoir
 en raison.

_____ , le _____ , 18 ____
 (L.S.) *Le Ministre de Belgique.*

Agreement entered into between the British and Belgian
 Governments in November 1888 on the subject of mixed marriages
 between the United Kingdom between British and Belgian subjects was
 published in the "London Gazette" of the 5th February, 1889.*

*BRITISH NOTIFICATION of Austrian Order modifying
 Passport System in force in Bosnia and Herzegovina.—
 London, January 16, 1897.†*

Foreign Office, January 16, 1897.

His Majesty's Secretary of State for Foreign Affairs has
 received from Her Majesty's Consul-General at Serajevo a despatch,
 containing the text of an Order of the Government of Bosnia and
 Herzegovina, dated the 1st December, 1896, which modifies the
 passport system hitherto in force in those provinces, and of which
 the following are the provisions applicable to foreigners:—

(1. Native and foreign travellers are henceforth relieved from
 the obligation to present themselves personally to the authorities,
 and are only obliged to prove their identity by their passports or
 other documents to those who give them lodging.
 (2. When travelling within the district of their ordinary domicile
 (whether in urban and rural districts are to be considered as one)
 this obligation ceases, as in this case also hitherto it was not
 necessary to present themselves.

* Vol. LXXIX, page 321.

† "London Gazette," January 19, 1897.

4. Householders (keepers of lodgings) in district and sub-towns are bound to report, within twenty-four hours, either verbally or in writing, to the local political authorities of first instance the arrival of all travellers taken in for the night who do not belong to the district.

5. The keepers of hotels, inns, and khans, in the departmental district and sub-district towns, who lodge travellers as a lodgers must keep a visitors' book in the prescribed form, and the local authorities must take all necessary dispositions for the daily presentation of these visitors' books by the hotel and inn-keepers to the said authorities, or for the daily inspection of these visitors' books by a Government official, or, finally, in the hotels in the district towns, for the daily presentation of the notices of arrival (dezetzel).

From the foregoing Regulations it follows that henceforth travellers are exempt as a rule from any official control at railway stations, landing piers of steamers, ferries, &c.

As, however, these facilities to travellers exempt no one from the obligation, which still remains in force, to prove his identity on demand of the authorities, so also in the future there will be no objection, under exceptional circumstances or as regards suspicious-looking persons, to the authorities exercising a control over the traveller or travellers either on his arrival or during the journey, but in such cases they must be careful to avoid every vexatiousness to treat the traveller with politeness.

It must also be remarked that the existing control over passenger traffic at certain places on the frontier, so as to maintain watch on evil-disposed persons, will be maintained so long as it appears necessary, and even in the future introduced where necessary as it is nowise intended by the above-mentioned facilities to travellers to hinder the measures taken by the police for the maintenance of order.

*BRITISH NOTIFICATION respecting the Termination of the Commercial Treaty between Great Britain and Chile, October 4, 1854.—London, May 21, 1897.**

Foreign Office, May 21, 1897.
 THE Treaty of Friendship, Commerce, and Navigation between Great Britain and Chile on the 4th October, 1854

* "London Gazette," May 21, 1897.

† Vol. XLIV, page 47.

by the Chilean Government on the 3rd September, and should have ceased and determined on the 3rd September. It was, however, prolonged by the desire of the Chilean Government till the 31st instant, after which date it will cease to have effect.

H NOTIFICATION respecting the Legalization of documents emanating from the United Kingdom and intended to be produced in Bulgaria.—London, April 20, 1897.†

Foreign Office, April 20, 1897.

Marquess of Salisbury, K.G., Her Majesty's Principal Secretary of State for Foreign Affairs, has received from Her Majesty's Agent and Consul-General in Bulgaria the following notification, which has been officially communicated to him by the Bulgarian Government:—

Actes notariés, procurations, contrats et autres documents de la Grande-Bretagne et destinés à être produits en Bulgarie doivent être légalisés par le Ministère des Affaires Étrangères du Royaume, dont la signature et le sceau seront confirmés par l'Autorité Diplomatique de Bulgarie, ou, à défaut de celle-ci, par l'Autorité Diplomatique et Consulat-Général de Sa Majesté Britannique à Sophia. Les documents non revêtus de ces légalisations ne seront pas valables en Bulgarie.

(Translation.)

Notarial powers of attorney, contracts, and other documents from the United Kingdom and intended to be produced in Bulgaria must be legalized at the Foreign Office, London, and the signature and seal there affixed must be authenticated by the British Diplomatic Agency, or, failing the latter, by Her Majesty's Agent and Consulate-General at Sophia. Documents not bearing these legalizations are not valid in Bulgaria.

* Vol. LXXXVII, page 400.

† "London Gazette," April 23, 1897.

*BRITISH NOTIFICATION of the Opening of the Ports of Mokpo and Chenampo to Foreign Trade on October 1, 1897.—London, July 12, 1897.**

Foreign Office, July 12, 1897

THE Marquess of Salisbury, K.G., Her Majesty's Principal Secretary of State for Foreign Affairs, has received a telegram from Her Majesty's Consul-General in Corea, stating that the Corea Government have officially notified to the foreign Representatives at Seoul that the ports of Mokpo and Chenampo will be opened to foreign trade on the 1st October.

BRITISH NOTIFICATION of the Closing of the Northern Ports of the Republic of Honduras to Commerce.—London April 26, 1897.†

Foreign Office, April 26, 1897

THE Marquess of Salisbury, K.G., Her Majesty's Principal Secretary of State for Foreign Affairs, has received a telegram from Her Majesty's Minister in Central America, dated the 25th April stating that the northern ports of the Republic of Honduras have been officially declared closed to commerce.

BRITISH NOTIFICATION of the Greek Blockade of the Coast of Epirus, and a portion of the Littoral of the Gulf of Salonica, and of the Gulf of Volo.—London, May 15, 1897.‡

Foreign Office, May 15, 1897.

It is hereby notified that the Marquess of Salisbury, K.G., Her Majesty's Principal Secretary of State for Foreign Affairs, has received three notes, of which extracts, accompanied by translations, are given below, from the Greek Chargé d'Affaires at this Court, informing him of the establishment by the Greek Government of a blockade of the coast of Epirus and a portion of the littoral of the Gulf of Salonica, and of the Gulf of Volo:—

* "London Gazette," July 13, 1897.

† "London Gazette," April 27, 1897.

‡ Supplement to "London Gazette" of May 14, 1897.

M. Métaux to the Marquess of Salisbury.

Légation Royale de Grèce, Londres, le ^{26 Avril}_{8 Mai}, 1897.
 l'honneur de porter à la connaissance de votre Excellence
 ir du ^{26 Avril}_{8 Mai} à six heures du matin les côtes de l'Epire et
 e du littoral du Golfe de Salonique sont mises en état de
 ectif. Les limites géographiques de ce blocus sont fixées
 il suit. Au Golfe de Salonique le blocus s'étendra de la
 du Pénée entre 39° 54' latitude nord et 23° 44' longitude
 à la Rivière de Haliacmon entre 40° 29' 30" latitude nord
 longitude est. Le littoral bloqué serait d'une distance de
 marins de la côte. Sur les côtes de l'Epire, le blocus
 de Prévesa entre 38° 50' latitude nord et 20° 44' 30"
 est jusque et y compris Hagii Saranta (Santi Quaranta)
 50' 4" latitude nord et 20° 8' longitude est de la côte. Le
 tendra jusqu'à la portée d'un canon. Les détroits formés
 de Corfou n'y sont pas compris et seront laissés libres à la
 n. Les navires qui traverseront ces détroits seront visités
 isseaux de la Marine Royale qui auront pour mission de
 le blocus.

M. Métaux to the Marquess of Salisbury.

Londres, le ^{29 Avril}_{12 Mai}, 1897.
 nt suite à ma note du 8 de ce mois j'ai l'honneur, d'ordre
 Gouvernement, de porter à la connaissance de votre
 e que le blocus effectif des côtes de l'Epire a été étendu
 y compris Valona entre 40° 22' 6" latitude nord et 19° 10'
 est.

M. Métaux to the Marquess of Salisbury.

Londres, le ¹₁₃ Mai, 1897.
 l'honneur de porter à la connaissance de votre Excellence
 été chargé par mon Gouvernement de communiquer au
 ement de Sa Majesté Britannique que le Golfe de Volo a
 é en blocus effectif.

*BRITISH NOTIFICATION of a Law promulgated in Japan for the Introduction of a Gold Standard.—London, March 23, 1897.**

Foreign Office, March 29, 1897

THE Marquess of Salisbury, K.G., Her Majesty's Principal Secretary of State for Foreign Affairs, has received a telegram from Her Majesty's Minister at Tôkiô reporting that a Law has been promulgated in Japan for the introduction of a gold standard.

The principal provisions of the Law are reported by Her Majesty's Minister to be as follows:—

The unit of value is the gold dollar weighing .75 grammes exactly half of the gold dollar of 1871. Coins will be 5, 10, and 20 dollar pieces—900 fine.

The present silver dollar remains legal tender until six months after notice of its withdrawal shall have been given. It will be gradually exchanged for gold coin at par within five years of such notice. The ratio works out at 1 to 82.348. Subsidiary silver coins—half-dollar, 20, and 10 cents—800 fine as before. The Mint will be closed to the coinage of silver and open to gold from date of promulgation—29th March—from which date also the coinage of the silver 1 yen ceases. The rest of the Law will come into operation from the 1st October.

(NOTE.—It is understood that .75 grammes represents the fine content of the new gold dollar, and that its actual weight—900 fine—will be .83 grammes.)

BRITISH NOTIFICATION of the Extension to British Subjects of the Benefits of Article XVII of the Treaty of Commerce and Navigation of April 4, 1896, between Germany and Japan, in regard to the Protection of Patents, Trade-marks, &c.—London, January 1, 1897.†

Foreign Office, January 1, 1897.

NOTICE is hereby given that, in virtue of the most-favoured-nation Article in the Treaty between Great Britain and Japan of the 26th August, 1858,‡ the benefits of Article XVII of the Treaty of Commerce and Navigation of the 4th April, 1896, between

* "London Gazette," March 30, 1897.

† "London Gazette," January 1, 1897.

‡ Vol. XLVIII, page 28

and Japan* in regard to the protection of patents, trade-marks, will be extended to British subjects.

Article XVII of that Treaty is worded as follows:—

Nationals of each of the High Contracting Parties shall enjoy in the territories of the other the same protection as natives for patents, samples (including patterns), designs, trade-marks, firms and names, upon fulfilment of the conditions prescribed by law."

It has been further agreed between Her Majesty's Minister at Tokyo and the Japanese Government that the provisions of the Treaty shall be brought into simultaneous operation in both countries on the 4th January, 1897.

THE NOTIFICATION respecting the Course to be taken in the Registration, in Japan, of Patents, Designs, and Trade-marks, by Applicants who are not resident in Japan.—London, January 7, 1897.†

Foreign Office, January 7, 1897.

The Secretary of State for Foreign Affairs has received a communication from Her Majesty's Minister at Tôkiô, inclosing the translation, published in Japan, of a Notice which appeared in the official Gazette of the 20th November, 1896, defining the course to be taken by applicants for the registration of patents, designs, and trade-marks, who are not resident in Japan.

The Minister of Agriculture and Commerce notifies to-day in the official Gazette as follows:

1. When any one living outside Japan applies for the registration of a patent, design, or trade-mark, he or they must send in a letter of authorization by appointing some one who is resident in the Empire as his or their representative.

When a foreigner applies with regard to a patent or registration of a design or trade-mark, such application or petition should be accompanied with a certificate of nationality.

The application, detailed statement, petition, and other documents should be drawn up in Japanese.

The letter of authorization, certificate of nationality, and documents drawn in foreign languages, should be accompanied with a translation in Japanese."

* Vol. LXXXVIII, page 582.

† "London Gazette," January 8, 1897.

*BRITISH NOTIFICATION of the Blockade of the Island of Crete.—London, March 19, 1897.**

Foreign Office, March 19, 1897.

It is hereby notified that the Marquess of Salisbury, K.G., Her Majesty's Principal Secretary of State for Foreign Affairs, has received a telegraphic despatch from Rear-Admiral Harris, Commanding Her Majesty's Naval Forces in Cretan Waters, addressed to the Lords Commissioners of the Admiralty, and dated the 18th March, announcing that the Admirals in command of the British, Austro-Hungarian, French, German, Italian, and Russian naval forces have decided to put the Island of Crete in a state of blockade commencing the 21st March, 8 A.M.

The blockade will be general for all ships under the Greek flag.

Ships of the Six Powers or neutral Powers may enter into the ports occupied by the Powers and land their merchandize but only if it is not for the Greek troops or the interior of the island. These ships may be visited by the ships of the international fleets.

The limits of the blockade are comprised between 28° 24' and 26° 30' longitude east of Greenwich, and 35° 48' and 34° 45' north latitude.

BRITISH REGULATIONS for Preventing the Spread of the Plague to the Kingdom of Siam.—August 23, 1897.†

Foreign Office, September 29, 1897.

THE Marquess of Salisbury, Her Majesty's Principal Secretary of State for Foreign Affairs, has received a despatch, dated the 24th August, 1897, from Mr. Greville, Her Majesty's Minister Resident and Consul-General at Bangkok, reporting that he has issued the following Regulation:—

Notice.

Whereas, in view of the fact that there are no more cases of bubonic plague at Swatow, but that the said disease has broken out at Amoy, and has extended to Formosa, it appears desirable, as

* Supplement to "London Gazette" of March 19, 1897.

† "London Gazette," October 1, 1897.

of urgency, to take additional precautions in order to the spread of the same to the Kingdom of Siam, until such the ports of Formosa and Amoy and surrounding districts be declared free from plague :

Undersigned, Her Britannic Majesty's Consul-General for Siam and by virtue of the powers in that behalf conferred by section 84 of Her Majesty's Order in Council dated 11th day of November, 1889,* has made the following Regulation for the peace, order, and good government of Her Majesty's subjects within the dominions of the King of Siam :—

Regulation.

It shall not be lawful for any Chinese immigrant who arrives on a British immigrant ship on a voyage on which such ship has called at Amoy or Formosa to land in the Kingdom of Siam.

It shall not be lawful for the master of any British immigrant ship which has sailed from or called at Amoy or Formosa to disembark any Chinese immigrant at any place within the Kingdom of Siam.

The owner, agent, consignee, and master of any British immigrant ship who having sailed from or called at Amoy or Formosa to arrive at any port or place in the Kingdom of Siam shall be bound to cause such ship to leave the Siamese waters without disembarking any Chinese immigrant within twenty-four hours after the receipt by him of written notice from the Harbour-master from the medical officer requiring him to do so.

Any immigrant ship clearing from Hong Kong or from any other port and to whom the foregoing provisions shall be applicable, shall anchor at Paknam and wait there until such time as the medical officer shall have boarded her and given her permission to proceed to Bangkok.

Passengers or crew shall not communicate with any person on shore from the port of departure to Paknam.

Any Chinese immigrant disembarking from a British immigrant ship contrary to section 1 heretofore shall be liable, on conviction, to a punishment not exceeding three months, with or without hard labour, or to a fine not exceeding 5*l.* without imprisonment.

The master of any British immigrant ship who suffers any Chinese immigrant to disembark, or any person aiding or abetting any Chinese immigrant in disembarking from a British immigrant ship contrary to sections 1, 2, or 3 heretofore shall be liable to a fine not exceeding 10*l.* for every immigrant whose disembarkment has been so suffered, aided, or abetted, or to imprisonment

* Vol. LXXXI, page 431.

not exceeding three months or to both such punishments, and any owner, agent, consignee, or master of a British immigrant ship who, after the expiration of twenty-four hours from the service upon him of the notice mentioned in section 3, shall suffer such ship to remain within the Siamese waters, shall be liable, on conviction, to a fine not exceeding 50*l.*, or to imprisonment not exceeding three months or to both such punishments, and further to a fine not exceeding 10*l.* for every subsequent day or part of a day during which such ship shall have remained in Siamese waters in contravention of section 3.

7. Any person other than the medical officer, Harbour-master, Chief of the Muang, or the officers of any of them who shall communicate with a British immigrant ship, to whom the provision of sections 1, 2, and 3 are applicable, shall be liable, on conviction, to a fine not exceeding 100*l.* or to imprisonment not exceeding three months, or to both such punishments.

8. Any person not being one of the medical officers or of the officers in charge of the station for medical inspection at Paknam who, before pratique to proceed to Bangkok has been given, shall communicate, or attempt to communicate, from a ship to which the provisions of section 4 are applicable, with the land, or from the land with such ship, or from such ship with other ships, shall be liable, on conviction, to a fine not exceeding 25*l.*, or to imprisonment for a term not exceeding three months, or to both such punishments.

If such person is the master of the ship, he shall be liable, on conviction, to a fine not exceeding 50*l.* or to imprisonment for a term not exceeding three months, or to both such punishments.

The expression "Chinese immigrant" as used in this Regulation shall be held to mean Chinese brought to the Kingdom of Siam in any British immigrant ship, not being first or second-class cabin passengers; and the expression "British immigrant ship" shall be held to mean a ship bringing Chinese immigrants, exceeding twenty in number, to the Kingdom of Siam.

The word "ship" shall include every description of vessel used in navigation, and the word "master" shall include the person in charge of a ship.

This Regulation shall be substituted for the previous one of the 1st May, 1897.

Given under my hand and seal, this 23rd day of August, 1897.

(L.S.) GEORGE GREVILLE,

Her Britannic Majesty's Consul-General.

H PROCLAMATION establishing a Branch of the Mint in the Colony of Western Australia.—Balmoral, per 13, 1897.

By the Queen.

A PROCLAMATION.

IA, R.

do hereby, by and with the advice of our Privy Council, direct, and ordain as follows:—

A branch of our Mint shall be established at or near Perth in the Colony of Western Australia, on such site as the Governor of the Colony in Council may approve.

Gold coins may be coined at the branch Mint so established and shall be of the same denominations, designs, weights, and values, and subject to the allowance of the same remedy, as gold coins coined at our Mint in England.

The master of our Mint shall prepare and transmit dies for the purpose of coining at the branch Mint at Perth.

The gold coins coined in pursuance of this Proclamation at the branch Mint at Perth shall be deemed to have been issued from the Mint at Perth and shall be current and a legal tender in like manner and to the same extent as if they had been coined and issued in

1. If any person brings to the branch Mint at Perth any gold bullion, the deputy master of that branch shall assay, coin, and deliver the same to such person upon payment for every ounce of standard fineness, of a charge of $1\frac{1}{2}d.$, where the weight of the bullion brought at one time does not exceed 500 oz., and of $1d.$ in excess thereof, provided that—

Where the gold bullion so brought is such that it cannot be refined to the standard fineness of the coin to be coined thereout, the deputy master may refine the whole or some portion of it, the deputy master may charge for assaying and refining the same such additional sum as the Governor in Council may from time to time fix, and where no such charge is paid to him may refuse to receive, assay, or coin the same; and

Where the bullion brought to the branch Mint for coinage is such that it cannot be refined to the standard fineness of the coin to be coined thereout, the deputy master may deliver to the person bringing the same such amount of coin as is proportionate to such superior

no undue preference shall be shown to any person as to the order in which the same shall be assayed, assayed, or coined.
1897. LXXXIX.] 2 G

respects the bullion brought to the branch Mint, and every person shall have priority according to the time at which he brought it ;

(d.) The Governor of Western Australia in Council may make regulations for carrying into effect the provisions of this Article with respect to gold bullion, and the bringing, coining, and delivering out thereof, and in particular for regulating the time and conditions at and under which it is to be so brought, assayed, coined, and delivered out, and the minimum amount which may be so brought

(ii.) The charges under this Article for coining, assaying, and refining shall be collected by the deputy master in accordance with the said regulations either as a payment in advance or as a deduction from the coin delivered out, or otherwise, and shall be accounted for and paid over in such manner as the Governor in Council directs the Colonial Treasurer of Western Australia to be by him paid in the Consolidated Revenue Fund of the Colony.

6. Subject to the provisions of this Proclamation, the branch Mint at Perth, shall, for the purposes of the coinage of gold coin be deemed to be part of our Mint, and accordingly—

(a.) The deputy master shall comply with all directions he may receive from the master of our Mint, whether as regards the return to be made, or the delivery of coin for public use, or the transmission of specimen coins to England or otherwise ; and

(b.) The said specimen coins shall be subject to the trial of the pyx under section 12 of “The Coinage Act, 1870,” so, however, that they shall be examined separately from the coins coined in England and

(c.) The deputy master and other officers and persons for the purpose of carrying on the business of the branch Mint may be appointed, promoted, suspended, and removed, and their duties assigned and salaries awarded, under section 15 of “The Coinage Act, 1870.”

7. The Governor of Western Australia in Council shall cause the store of gold bullion and coin at the branch Mint at Perth to be inspected half-yearly, and cause the persons inspecting the same to report thereon to the deputy master of the branch Mint, stating the exact amount of bullion and coin inspected by them ; and such report shall be transmitted by the deputy master to the master of our Mint in London.

8. The master of our Mint shall, in the execution of this Proclamation, act in accordance with any regulations made or directions given by the Lords Commissioners of our Treasury.

9. In this Proclamation—

The expression “Mint” means our Royal Mint in England ;

The expression “Governor” includes the officer for the time being administering the Government of the Colony ;

expression "deputy master of the branch Mint" includes a who lawfully exercises at such branch Mint the authority master of our Mint.

This Proclamation shall come into force in our Colony of Australia on the expiration of six months from the date unless it is sooner promulgated in the Colony, and in that such promulgation.

at our Court at Balmoral the 13th day of October, in the our Lord 1897, and in the 61st year of our reign.

God save the Queen!

*H PROCLAMATION for the Observance of Neu-
y in the War between Greece and Turkey.—Windsor,
B, 1897.**

By the Queen.

A PROCLAMATION.

IA, R.

WEAS we are happily at peace with all Sovereigns, Powers,
s;

whereas, notwithstanding our utmost exertions to preserve
ween the two Sovereign Powers, a state of war unhappily
ween His Imperial Majesty the Sultan of Turkey and His
the King of the Hellenes, and between their respective
nd others inhabiting within their countries, territories, or
;

whereas we are on terms of friendship and amicable inter-
th each of these Sovereigns, and with their several subjects
ers inhabiting within their countries, territories, or

; whereas great numbers of our loyal subjects reside and
commerce, and possess property and establishments, and
ous rights and privileges, within the dominions of each of
aid Sovereigns, protected by the faith of Treaties between
ch of the aforesaid Sovereigns;

whereas we, being desirous of preserving to our subjects the
of peace, which they now happily enjoy, are firmly purposed
mined to maintain a strict and impartial neutrality in the
of war unhappily existing between the aforesaid Sovereigns;
herefore, have thought fit, by and with the advice of our
uncil, to issue this our Royal Proclamation:

* "London Gazette," May 4, 1897.

And we do hereby strictly charge and command all our loving subjects to govern themselves accordingly, and to observe a strict neutrality in and during the aforesaid war, and to abstain from violating or contravening either the laws and statutes of the realm in this behalf, or the law of nations in relation thereto, as they will answer to the contrary at their peril ;

And whereas in and by a certain statute made and passed in the Session of Parliament holden in the thirty-third and thirty-fourth year of our reign, intituled "An Act to regulate the conduct of Her Majesty's subjects during the existence of hostilities between Foreign States with which Her Majesty is at peace,"* it is, amongst other things, declared and enacted as follows:—

"This Act shall extend to all the dominions of Her Majesty including the adjacent territorial waters.

"Illegal Enlistment.

"If any person, without the licence of Her Majesty, being a British subject, within or without Her Majesty's dominions, accepts or agrees to accept, any commission or engagement in the military or naval service of any foreign State at war with any foreign State at peace with Her Majesty, and in this Act referred to as a friendly State, or, whether a British subject or not, within Her Majesty's dominions, induces any other person to accept, or agree to accept, any commission or engagement in the military or naval service of any such foreign State as aforesaid—

"He shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments at the discretion of the Court before which the offender is convicted, and imprisonment, if awarded, may be either with or without hard labour.

"If any person, without the licence of Her Majesty, being a British subject, quits or goes on board any ship with a view of quitting Her Majesty's dominions with intent to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State, or, whether a British subject or not, within Her Majesty's dominions, induces any other person to quit or to go on board any ship with a view of quitting Her Majesty's dominions with the like intent—

"He shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour.

any person induces any other person to quit Her Majesty's service, or to embark on any ship within Her Majesty's dominions, under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State—

shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is tried; and imprisonment, if awarded, may be either with or without hard labour.

The master or owner of any ship, without the licence of Her Majesty, who knowingly either takes on board, or engages to take on board, has on board, such ship within Her Majesty's dominions any of the following persons, in this Act referred to as illegally engaged persons, that is to say:—

Any person who, being a British subject, within or without the dominions of Her Majesty, has, without the licence of Her Majesty, accepted or agreed to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State;

Any person being a British subject who, without the licence of Her Majesty, is about to quit Her Majesty's dominions in order to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State;

Any person who has been induced to embark under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State;

The master or owner shall be guilty of an offence against this Act, and the following consequences shall ensue, that is to

The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour; and

Such ship shall be detained until the trial and conviction of the master or owner, and until all penalties inflicted on the master or owner have been paid, or the master or owner has given security for the payment of such penalties to the satisfaction of the Justices of the Peace, or other Magistrate or Magistrates, or the authority of two Justices of the Peace; and

“(3.) All illegally enlisted persons shall, immediately on the discovery of the offence, be taken on shore, and shall not be allowed to return to the ship.

“Illegal Ship-building and Illegal Expeditions.

“If any person within Her Majesty’s dominions, without the licence of Her Majesty, does any of the following acts, that is to say :—

“(1.) Builds or agrees to build, or causes to be built, any ship with intent or knowledge, or having reasonable cause to believe, that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State ; or

“(2.) Issues or delivers any commission for any ship with intent or knowledge, or having reasonable cause to believe, that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State ; or

“(3.) Equips any ship with intent or knowledge, or having reasonable cause to believe, that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State ; or

“(4.) Dispatches, or causes or allows to be dispatched, any ship with intent or knowledge, or having reasonable cause to believe, that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State ;

“Such person shall be deemed to have committed an offence against this Act, and the following consequences shall ensue :—

“(1.) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour ;

“(2.) The ship in respect of which any such offence is committed, and her equipment, shall be forfeited to Her Majesty :

“Provided that a person building, causing to be built, or equipping a ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid, shall not be liable to any of the penalties imposed by this section in respect of such building or equipping if he satisfies the conditions following, that is to say :—

“(1.) If, forthwith upon a Proclamation of Neutrality being issued by Her Majesty, he gives notice to the Secretary of State that he is so building, causing to be built, or equipping such ship, and furnishes such particulars of the contract and of any matters relating to or done, or to be done, under the contract as may be required by the Secretary of State ;

If he gives such security, and takes and permits to be taken other measures, if any, as the Secretary of State may think proper for insuring that such ship shall not be dispatched, or removed without the licence of Her Majesty until the end of such war as aforesaid.

Where any ship is built by order of or on behalf of any foreign State at war with a friendly State, or is delivered to or to the use of such foreign State, or any person who to the knowledge of the Secretary of State is an agent of such foreign State, or is paid for the service of such foreign State or such agent, and is employed in the military or naval service of such foreign State, such ship shall, until the contrary is proved, be deemed to have been built with a view to being so employed, and the burden shall lie on the builder of the ship of proving that he did not know that the ship was to be so employed in the military or naval service of such foreign State.

Any person within the dominions of Her Majesty, and without the licence of Her Majesty—

Who adds to the number of the guns, or by changing those on board other guns, or by the addition of any equipment for war, or by augmenting, or procures to be increased or augmented, or who is in any way concerned in increasing or augmenting the warlike equipment of any ship which at the time of her being within the dominions of Her Majesty was a ship in the military or naval service of any foreign State at war with any friendly State—

Shall be deemed to be a person shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

Any person within the limits of Her Majesty's dominions, and without the licence of Her Majesty—

Who prepares or fits out any naval or military expedition to proceed from the dominions of any friendly State, the following consequences shall ensue:—

Every person engaged in such preparation or fitting out or in the service thereof, or therein, or employed in any capacity in such expedition, shall be deemed to be a person shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

All ships and their equipments, and all arms and munitions used in or forming part of such expedition, shall be forfeited to Her Majesty.

"Any person who aids, abets, counsels, or procures the commission of any offence against this Act shall be liable to be tried and punished as a principal offender."

And whereas by the said Act it is further provided that ship built, commissioned, equipped, or dispatched in contravention of the said Act may be condemned and forfeited by Judgment of the Court of Admiralty; and that, if the Secretary of State or chief executive authority is satisfied that there is a reasonable and probable cause for believing that a ship within our dominions has been or is being built, commissioned, or equipped, contrary to the said Act, and is about to be taken beyond the limits of such dominions, or that a ship is about to be dispatched, contrary to the Act, such Secretary of State or chief executive authority shall have power to issue a warrant authorizing the seizure and search of such ship, and her detention until she has been either condemned or released by process of law;

And whereas certain powers of seizure and detention are conferred by the said Act on certain local authorities:

Now, in order that none of our subjects may unwarily render themselves liable to the penalties imposed by the said statute, we do hereby strictly command that no person or persons whatsoever do commit any act, matter, or thing whatsoever contrary to the provisions of the said statute, upon pain of the several penalties by the said statute imposed, and of our high displeasure.

And we do hereby further warn and admonish all our loving subjects, and all persons whatsoever entitled to our protection, to observe towards each of the aforesaid Sovereigns, their subjects and territories, and towards all belligerents whatsoever with whom we are at peace, the duties of neutrality; and to respect, in all and each of them, the exercise of those belligerent rights which we and our Royal predecessors have always claimed to exercise.

And we hereby further warn all our loving subjects, and all persons whatsoever entitled to our protection, that if any of them shall presume, in contempt of this our Royal Proclamation, and of our high displeasure, to do any acts in derogation of their duty as subjects of a neutral Sovereign in a war between other Sovereigns, or in violation or contravention of the law of nations in that behalf, as more especially by breaking, or endeavouring to break, any blockade lawfully and actually established by or on behalf of either of the said Sovereigns, or by carrying officers, soldiers, despatches, arms, ammunition, military stores or materials, or any article or articles considered and deemed to be contraband of war, according to the law or modern usages of nations, for the use or service of either of the said Sovereigns, that all persons so offending, together with

and goods, will rightfully incur and be justly liable to capture, and to the penalties denounced by the law of nations on their behalf.

We do hereby give notice that all our subjects and persons under our protection who may misconduct themselves in the future will do so at their peril, and of their own wrong; and that they can in no wise obtain any protection from us against such penalties as aforesaid, but will, on the contrary, incur the high displeasure by such misconduct.

Witness at our Court at Windsor, this 3rd day of May, in the year 1897, in the 60th year of our reign.

God save the Queen!

*HER CIRCULAR to Public Offices for the Observance of Neutrality in the War between Greece and Turkey.—London, May 3, 1897.**

Marquess of Salisbury to the Lords Commissioners of the Admiralty.†

Sir,
 I have the honour to acknowledge the receipt of your letter of the 2nd inst., and in reply to inform you that Her Majesty, being fully determined to observe the duties of neutrality during the existing state of war between His Imperial Majesty the Sultan of Turkey and His Majesty the King of the Hellenes, and being, moreover, resolved to prevent as far as possible the use of Her Majesty's harbours, ports, and coasts, and the waters under Her Majesty's territorial jurisdiction, in aid of the warlike operations of either belligerent, has commanded me to communicate to you, for your guidance, the following rules, which are to be observed and enforced as Her Majesty's orders and directions.

Her Majesty is pleased further to command that these rules shall have full force in the United Kingdom, the Isle of Man, and the Channel Islands, on and after the 8th instant, and in Her Majesty's Colonies and possessions beyond the seas six days after the day of the receipt of the Governor, or other chief authority of each of such Colonies or possessions, respectively, shall have notified and complied with the same, stating in such notification that the said rules are to be obeyed by all persons within the same territories and Colonies:—

During the continuance of the present state of war all ships of either belligerent are prohibited from making use of

(London Gazette," May 4, 1897.

Similar letters were addressed to the Treasury, Home Office, Colonial Office, India Office, and Scottish Office.

any port or roadstead in the United Kingdom, the Isle of Man or the Channel Islands, or in any of Her Majesty's Colonies or foreign possessions or dependencies, or of any waters subject to the territorial jurisdiction of the British Crown, as a station or place of resort for any warlike purpose, or for the purpose of obtaining any facilities for warlike equipment; and no ship of war of either belligerent shall hereafter be permitted to sail out of or leave any port, roadstead, or waters subject to British jurisdiction from which any vessel of the other belligerent (whether the same shall be a ship of war or a merchant-ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the territorial jurisdiction of Her Majesty.

2. If any ship of war of either belligerent shall, after the time when this Order shall be first notified and put in force in the United Kingdom, the Isle of Man, and the Channel Islands, and in the several Colonies and foreign possessions or dependencies of Her Majesty, respectively, enter any port, roadstead, or waters belonging to Her Majesty, either in the United Kingdom, the Isle of Man, or the Channel Islands, or in any of Her Majesty's Colonies or foreign possessions or dependencies, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, roadstead, or waters, except in case of stress of weather or of her requiring provisions or things necessary for the subsistence of her crew, or repairs; in either of which cases the authorities of the port, or of the nearest port (as the case may be), shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such vessel which may have been allowed to remain within British waters for the purpose of repair shall continue in any such port, roadstead, or waters for a longer period than twenty-four hours after her necessary repairs shall have been completed: Provided, nevertheless, that in all cases in which there shall be any vessel (whether ships of war or merchant-ships) of the said belligerent parties in the same port, roadstead, or waters within the territorial jurisdiction of Her Majesty there shall be an interval of not less than twenty-four hours between the departure therefrom of any such vessel (whether a ship of war or merchant-ship) of the one belligerent and the subsequent departure therefrom of any ship of war of the other belligerent; and the time hereby limited for the departure of such ships of war respectively shall always, in case of necessity, be extended so far as may be requisite for giving effect to this proviso, but no further or otherwise.

3. No ship of war of either belligerent shall hereafter be

while in any port, roadstead, or waters subject to the jurisdiction of Her Majesty, to take in any supplies, provisions and such other things as may be requisite for the use of her crew, and except so much coal only as may be required to carry such vessel to the nearest port of her own choice or to some nearer destination, and no coal shall again be taken on board of any such ship of war in the same or any other port, or waters subject to the territorial jurisdiction of Her Majesty without special permission until after the expiration of three months from the time when such coal may have been last supplied to British waters as aforesaid.

Ships of either party are interdicted from carrying contraband of war by them into the ports, harbours, roadsteads, or waters of the United Kingdom, the Isle of Man, the Channel Islands, or any of Her Majesty's Colonies or possessions abroad.

I have, &c.,
SALISBURY.

Made by the High Commissioner of the Western Pacific, with the assent of the Chief Judicial Commissioner, under Order No. 102 of "The Pacific Order in Council, 1893."—Number 16, 1897.

The following fees shall be charged for copies of proceedings in civil and criminal cases:—

	£	s.	d.
Evidence or proceedings per folio of seventy-two words..	0	0	6
Two or more copies up to four are required, then each such copy after the first shall be charged for at the rate of 3d. per folio of seventy-two words, if made by the manifolding process of a typewriter; if, however, such copies are written, then the full charge of 6d. per folio of seventy-two words shall be levied.			
Copy of evidence or proceedings per folio of seventy-two words, exclusive of fee for sealing with seal of Court	0	0	9
Two or more copies up to four are required, then each such copy after the first shall be charged for at the rate of 3d. per folio of seventy-two words, if made by the manifolding process of a typewriter; if, however, such copies are written, then the full charge of 9d. per folio of seventy-two words shall be levied.			

The following fees shall be charged in all civil cases whatever in addition to those already taken in Her Britannic Majesty's High Court of Admiralty for the Western Pacific under "The Pacific Order in Council, 1893":—

* Vol. LXXXV, page 1053.

On Hearing.

	£	s.
Where amount involved does not exceed 10 <i>l.</i>	0	2
10 <i>l.</i> and under 20 <i>l.</i>	0	5
20 <i>l.</i> and under 50 <i>l.</i>	0	10
50 <i>l.</i> or upwards— $\frac{1}{2}$ per cent. on amount involved, not exceeding a total fee of 25 <i>l.</i>		
Where judicial relief or assistance is sought, but not the recovery of money	1	0

Adjournment.

For each adjournment caused by default of a party (payable by such party)	0	10
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3. The following fees shall be charged in—

Probate and Administration Jurisdiction.

On application for probate or administration	1	0
For grant of probate or letters of administration—		
If value of the personalty be not over 100 <i>l.</i>	1	0
If value of the personalty be over 100 <i>l.</i> , the like sum as was payable in England for stamp duty under the Act 44 Vict., c. 12, in like cases.		

(*Note*.—Where the Court is satisfied that estate duty under “The Finance Act, 1894” (57 & 58 Vict., c. 30), or under “The Finance Act, 1896” (59 & 60 Vict., c. 28), or under any Act amending the same, has been paid in the United Kingdom in respect of property situate at any place within the jurisdiction of the Court passing on the death of the deceased person representation of whose estate and effects shall have been granted out of the Court, it shall be lawful for the Court to repay to the legal personal representative or representatives the amount paid by him or them to the Court in respect of that property on obtaining probate or administration under this fee.)

4. The following fees shall be charged in connection with—

Bills of Sale.

	£	s.	d.
Filing bill of sale and affidavit of execution	0	5	0
Affidavit of renewal, to include fee for filing	0	5	0
Entering satisfaction	0	5	0
Search in register	0	2	6
Inspection of each bill of sale or affidavit in connection therewith ..	0	1	0
Copy of any bill of sale or affidavit, if supplied by the Court, per folio of seventy-two words	0	0	6
Certification of above copy under seal of Court not exceeding ten folios	0	5	0
For every succeeding folio or part of a folio	0	0	6

December 16, 1897.

G. T. M. O'BRIEN, *High Commissioner*.

the Federal Council of Australasia, to provide for the naturalization within the Australasian Colonies, or some of the Persons of European descent Naturalized in any of the Colonies.

No. 1.]

—

[February 1, 1897.]

AS the Legislatures of Victoria and Queensland have, by the provisions of "The Federal Council of Australasia Act," referred to the Federal Council the matter of the naturalization of aliens of European descent;

WHEREAS it is desirable that any such alien who has been naturalized in any Colony to which the provisions of the Act extend should be entitled to the privileges of naturalization in any other Colony:

Therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Federal Council of Australasia, assembled at Hobart, in the Colony of Tasmania, and in pursuance of the authority of the same, as follows:—

This Act may be cited as "The Australasian Naturalization Act."

Any person who has been or shall hereafter be naturalized in any Colony to which the provisions of this Act extend, and shall have obtained the satisfaction of the naturalizing authority that he is of European descent, such authority shall grant to him a certificate of naturalization, which certificate shall be conclusive evidence of the fact.

Any person of European descent heretofore or hereafter naturalized in any Colony to which the provisions of this Act extend, shall, upon having fulfilled any conditions of residence prescribed by the laws of any other such Colony, be deemed to be naturalized therein, and shall be entitled to all rights, powers, and privileges, and be subject to all obligations and disabilities, to which persons of European descent naturalized in such other Colony are entitled or subject in such other Colony.

For the purposes of this Act, the expression "a person of European descent" means any person who by lineage belongs to any of the European races.

In witness whereof, I, the Governor, in and on behalf of Her Majesty the Queen, I assent to the foregoing Bill.

(L.S.) GORMANSTON, *Governor*.

BELGIAN LAW respecting Foreigners.—Laeken, Febr.
1897.

LÉOPOLD II, Roi des Belges, à tous présents et à venir,
Les Chambres ont adopté et nous sanctionnons ce qui suit :

ART. 1^{er}. L'étranger résidant en Belgique qui par sa conduite compromet la tranquillité publique, ou celui qui est poursuivi pour un crime ou délit qui a été condamné à l'étranger pour les crimes ou délits qui ont lieu à l'extradition, peut être contraint par le Gouvernement à s'éloigner d'un certain lieu, d'habiter dans un lieu déterminé, ou même de sortir du royaume.

L'Arrêté Royal enjoignant à un étranger de sortir du royaume parce qu'il compromet la tranquillité publique sera délibéré par le Conseil des Ministres.

2. Les dispositions de l'Article précédent ne pourront être appliquées aux étrangers qui se trouvent dans un des cas suivants :
pourvu que la nation à laquelle ils appartiennent soit en paix avec la Belgique :

(1.) A l'étranger autorisé à établir son domicile en Belgique ;

(2.) A l'étranger marié avec une femme Belge dont il a plusieurs enfants nés en Belgique pendant sa résidence en Belgique ;

(3.) A l'étranger qui, marié avec une femme Belge, a sa résidence en Belgique depuis plus de cinq ans et a continué de résider d'une manière permanente ;

(4.) A l'individu né en Belgique d'un étranger et qui, lorsqu'il se trouve dans le délai d'option prévu par l'Article 13 du Code Civil.

3. L'Arrêté Royal, porté en vertu de l'Article 1^{er}, sera signé par le Roi et par le Ministre de l'Intérieur, et sera enregistré par huissier à l'étranger qu'il concerne.

Il sera accordé à l'étranger un délai qui devra être d'au moins un mois franc au moins.

4. L'étranger qui aura reçu l'injonction de sortir du royaume sera tenu de désigner la frontière par laquelle il sortira ; il devra déposer une feuille de route réglant l'itinéraire de son voyage et la durée de son séjour dans chaque lieu où il doit passer. En cas de contravention à l'une ou à l'autre de ces dispositions il sera conduit hors du royaume par la force publique.

5. Le Gouvernement pourra enjoindre de sortir du royaume l'étranger qui quittera la résidence qui lui aura été désignée.

6. Si l'étranger auquel il aura été enjoint de sortir du royaume rentre sur le territoire, il pourra être poursuivi, et il sera co-

, à un emprisonnement de quinze jours à six mois, et, à
de sa peine, il sera conduit à la frontière.
a rendu compte annuellement aux Chambres de l'exécu-
présente Loi.

Arrêtés d'expulsion pris en vertu des Lois antérieures
nus.

présente Loi sera obligatoire le lendemain de sa publica-

uons la présente Loi, ordonnons qu'elle soit revêtue du
tat et publiée par la voie du "Moniteur."*

Laeken, le 12 Février, 1897.

(L.S.) LÉOPOLD.

Roi:

M., *Ministre de la Justice.*

*of the President of the French Republic, prohibiting
of Arms, Ammunition, &c., to Natives in New
ia.—Paris, November 16, 1897.*

IDENT,

de des troubles récents qui ont eu lieu dans la Colonie, le
de la Nouvelle-Calédonie s'est vu dans la nécessité de
Arrêté interdisant la vente aux indigènes des armes, des
et de tous autres explosifs.

été, en date du 30 Août dernier, édictant des pénalités
à celles de simple police, doit, en vertu du Décret du
77, être transformé en Décret dans un délai maximum de

ure prise par le Gouverneur de la Nouvelle-Calédonie me
ustifiée, j'ai l'honneur de soumettre à votre signature le
décret ci-joint.

Veillez, &c.,

ANDRÉ LEBON, *Ministre des Colonies.*

sident de la République Française,

apport du Ministre des Colonies,

Décret du 12 Décembre, 1874, sur le gouvernement de la
alédonie ;

Décret du 6 Mars, 1877, sur l'application du Code Pénal
e-Calédonie ;

ublished in the "Moniteur Belge" of February 14, 1897.

Vu le Décret du 18 Juillet, 1887, portant organisation de l'indigénat ;

Vu l'Arrêté du Gouverneur de la Nouvelle-Calédonie, du 30 Août, 1897 ;

Décète :

ART. 1^{er}. Il est interdit de vendre, prêter ou procurer des armes à feu, des munitions et explosifs aux indigènes non munis d'une autorisation délivrée par le Gouverneur.

2. Tout contrevenant au présent Décret sera puni d'une amende de 50 fr. à 100 fr. et de un à quinze jours de prison, ou de l'une de ces deux peines seulement.

En cas de récidive l'emprisonnement sera toujours prononcé.

3. Le Ministre des Colonies est chargé d'assurer l'exécution du présent Décret.

Fait à Paris, le 16 Novembre, 1897.

(L.S.) FÉLIX FAURE

Par le Président de la République :

ANDRÉ LEBON, *Ministre des Colonies.*

SWISS NOTIFICATION of the Accession of Corea to the Universal Postal Convention of July 4, 1891.—London July 1, 1897.*

*Légation de Suisse, Londres.
le 1^{er} Juillet, 1897.*

M. LE MARQUIS,

SUR l'ordre de mon Gouvernement j'ai l'honneur d'informer votre Seigneurie que, par note datée du 30 Avril, 1897, la Légation de Corée à Washington a donné connaissance au Conseil Fédéral, par l'intermédiaire du Ministre de Suisse en cette dernière ville, de l'adhésion de son Gouvernement à la Convention Postale Universelle (Convention principale, à l'exclusion des autres Actes conclus au Congrès de Vienne).

Je m'empresse de notifier cette adhésion à votre Seigneurie, conformément à l'Article XXIV de cette même Convention et fais ressortir ce qui suit :—

1. La date de l'accession de la Corée n'est pas encore fixée, mais la Légation de ce pays donne l'assurance qu'elle ne sera, en aucun cas, postérieure au 1^{er} Janvier, 1899.

2. Les offices de poste Coréens percevront comme équivalents prévus par l'Article 4 du Règlement pour l'exécution de la Convention Postale Universelle :

25 centimes	..	..	..	..	25 poon.
10 centimes	..	..	..	..	10 poon.
5 centimes	..	..	..	..	5 poon.

pour la répartition des frais de l'Union Postale, la Corée est
 dans la 7^e classe prévue au chiffre 3 de l'Article 32 du Règlement
 annexé au chiffre 2 ci-dessus.

Je saisis, &c.,

de Salisbury.

F. DE SALIS.

*GENERAL RULES for the Management of the British
 Seamen's Hospital at Smyrna.—1897.*

approved by the Secretary of State for Foreign Affairs,
 July 22, 1897.]

1. The British Seamen's Hospital, together with any
 in connection therewith, is under the management and
 a Committee composed of the following members :—
 Consul (or Acting Consul), Chairman.
 Vice-Consul (or Acting Vice-Consul), Vice-Chairman.
 members, British subjects, to be elected by the British
 community to represent their interests.
 term of service of the non-official shipping members shall be
 years, one member retiring each year.
 outgoing member shall be eligible for reappointment.
 appointment of the non-official members shall take place in
 of each year, and, until his successor is named, the retiring
 will continue to serve on the Committee.
 Committee shall have power to replace members removed by
 other contingencies, provided that the number of nominees
 Majesty's Government and of non-officials shall be equal in
 ver.
 presence at any meeting of three members, including the
 or Vice-Chairman, shall form a quorum.
 votes should not be unanimous on any question discussed
 ing which is not a full meeting, the further discussion of
 tion shall be resumed at a full meeting to be forthwith
 l.
 any member of the Committee be incapacitated by
 or absence for any considerable period, his place may be
 07. LXXXIX.] 2 H

temporarily filled by a substitute to be named by the Consul to the approval of Her Majesty's Ambassador.

3. The Surgeon of the hospital shall have a seat on the a consultative extra member of the Committee, but without vote. No decision affecting the internal administration, the disciplinary and sanitary administration, the disciplinary and sanitary of the hospital shall be taken by the Committee, unless the Surgeon shall have had an opportunity of discussing the matter before its consideration.

4. All the decisions of the Committee shall be arrived at by a majority vote. Whenever at a full meeting the votes on any question are equal, the Chairman, or, in his absence, the Vice-Chairman, if already voted, shall give the casting vote.

Should he consider the matter of sufficient importance to withhold the casting vote. The final decision on the question shall then rest with Her Majesty's Ambassador, to be confirmed by his Excellency see fit, by Her Majesty's Secretary of State for Foreign Affairs.

5. The Hospital Committee shall, under the supreme authority of the Secretary of State, exercise entire control over the management and finance, as well as over the disciplinary and administrative of the hospital.

Her Majesty's Consul, on behalf of the Committee, shall intend and be responsible for duly rendering the accounts. The Surgeon shall be the Executive Officer of the Committee regarding the internal, disciplinary, and sanitary service of the hospital.

6. The Committee may, as occasion requires, augment or diminish the staff of the hospital. It may create or abolish posts. It may appoint or remove any officer or member of the staff of the hospital, without exception, fix his or her salary and conditions of engagement, frame regulations and issue orders under the guidance of the staff. All such orders and regulations shall be communicated in writing to the Surgeon, shall be countersigned by him, and through him served on such members of the hospital as may be affected thereby, and all the rules relating to the management of the patients, the custody of their property, and the general interest shall be posted in a conspicuous place within the hospital building.

7. The hospital is maintained by funds provided by the British shipping. The funds are divided into (a) a capital fund invested in British Consols in the name of the Chief Clerk of the Foreign Office and of the Assistant Paymaster-General for the time being as trustees; and (b) the current revenue derived from interest received from the capital fund, from the dues

shipping visiting Smyrna, and from paying patients, sales of
es, &c.

dues on shipping shall be collected as heretofore at Her
Majesty's Consulate, and shall be banked temporarily at Smyrna.

At the end of each quarter the surplus, if any, of dues over
expenditure shall be accounted for by Her Majesty's Consul in his
report to the Secretary of State; similarly, any deficit shall be
charged to a charge in the same account.

The surplus of dues, as well as the interest accruing on the
fund, shall be credited to the hospital account at the office
of Her Majesty's Paymaster-General, and shall be operated on by
the Paymaster-General's Clerk of the Foreign Office for the time being.

Should the hospital revenue at any time show at the end of
the financial year an excess over expenditure sufficient, in the
opinion of the Committee, to warrant the measure, the excess, in
whole or in part, shall be transferred to the funded capital and be
held in Consols.

Should, on the other hand, the current expenditure at any time
exceed the revenue to an extent sufficient, in the opinion of the
Committee, to warrant the measure, the excess shall, in whole or in
part, be paid by a sale of Consols.

At either of the above events, the Chairman of the Committee, or
the Vice-Chairman, shall report to Her Majesty's Ambassador, for
the consideration of the Secretary of State.

Her Majesty's Consul shall, at the end of each quarter,
submit to the Foreign Office, in the form approved by the Secre-
tary of State, a copy of the account current of hospital receipts,
expenditure, and balances, and shall, during the month of March in
each year, transmit in the same way an estimate of expenditure for
the ensuing financial year. The financial year of the hospital shall
terminate on the 1st April.

Should it at any time appear to the Committee that the
dues derived from the dues on shipping and from the interest
on the funded capital are in excess of the annual expenditure of the
hospital to such an extent as to warrant the measure, it shall
be referred to Her Majesty's Ambassador for reference, should he
be satisfied to refer the matter to Her Majesty's Secretary of State for Foreign Affairs, a
decision on the reduction in dues, and the decision on the matter received
from Her Majesty's Ambassador shall be final.

Should a deficit arise, a similar procedure shall be adopted to
meet the deficit.

The staff of the British Seamen's Hospital shall consist of—
Surgeon,
Dispenser,
Matron or housekeeper,

together with such trained nurses, clerks, sick-ward men, attendants, and general servants as the Committee may from time to time determine.

12. The following books shall be kept by the Surgeon, or, under his responsibility, by such members of the hospital staff as he may direct, viz. :—

(a.) A register of the dates of entry and discharge of each in-patient, in which shall be inserted his name, nationality, age, religion, complaint or injury, as well as the name and nationality of his vessel ;

(b.) A register of out-patients, giving the above particulars ;

(c.) A register of the effects of each inmate, with the date of their reception, and the date and particulars of their ultimate disposal ;

(d.) An account-book of general expenditure ;

(e.) A register showing the tonnage dues received from each ship, and other receipts ;

(f.) An account-book showing the quarterly balance-sheet made up to the end of March, June, September, and December of each year ;

(g.) Stock-books of medicines and appliances ;

(h.) An inventory of all furniture and linen.

The Surgeon will report to the Committee early in March of each year as to the instruments, medicines, and requirements generally of the hospital for the ensuing year, and furnish an estimate of their cost.

13. The admission of patients, being seamen, shall be made upon the order of the officer in charge of the Shipping Department of Her Majesty's Consulate, and Returns shall be made to this officer by the Surgeon, as they occur, of the discharges from hospital or of deaths.

14. The Surgeon shall, upon an order in writing from the Consul, inspect ships or their provisions, and visit officers and seamen on board.

In cases of emergency visits to men on board may be made in anticipation of the order.

The Surgeon shall visit prisoners in the British prison at the request of the Consul, and, in cases of emergency, at the request of the gaoler.

The Surgeon shall make post-mortem examinations outside the hospital on the order of the Consul, and on the payment of the fees fixed by the Committee.

15. Persons not seamen may be admitted to the hospital on an order signed by the Consul, subject to the special regulations to be framed by the Committee.

The Surgeon shall keep a stock of medicines and appliances use of merchant-vessels, and shall make such charge for them masters as shall cover their cost.

price list shall be approved by the Committee.

Any alteration of, or addition to, the present Regulations subject to the final approval of the Secretary of State, be valid d by a unanimous vote at a full meeting of the Committee.

uld proposed alterations or additions be voted only by a y, the draft measure shall be sent, together with the observa- f dissident members, to Her Majesty's Ambassador for his ration and reference to the Secretary of State, whose decision final.

GENERAL RULES for the Management of the British Seamen's Hospital at Constantinople.—1897.

Approved by the Secretary of State for Foreign Affairs,
July 22, 1897.]

1. The British Seamen's Hospital, together with any in connection therewith, is under the management and of a Committee composed of the following members :—

Secretary of Her Majesty's Embassy, Chairman.

Majesty's Consul, Vice-Chairman.

Physician of Her Majesty's Embassy, or some other person named by the Chairman, with the approval of Her Majesty's ador.

ee members, British subjects, representing shipping interests, ected by the British Chamber of Commerce of Turkey. The service of the non-official shipping members shall be for ears, one member retiring each year. The outgoing member eligible for re-election. The election shall take place in of each year, and, until his successor is named, the retiring will continue to serve on the Committee.

Committee shall have power to replace members removed by other contingencies, provided that the number of nominees Majesty's Government and of non-officials shall be equal in ower.

he presence at any meeting of three members, including the n or Vice-Chairman, shall form a quorum of the Committee. isions taken at a meeting where a bare quorum is present nless passed unanimously, be confirmed at a subsequent

meeting in order to be valid. Should any member of the Committee be incapacitated by sickness or absence for any considerable period his place may be temporarily filled by a substitute to be named by Her Majesty's Ambassador, if an official, or by the British Chamber of Commerce if non-official.

3. The Head Surgeon of the hospital shall have a seat on the Board as a consultative extra member of the Committee, but without a vote. No decision affecting the internal administration, the disciplinary and sanitary service of the hospital, shall be taken by the Committee, unless the Head Surgeon shall have had an opportunity of discussing the matter under consideration.

4. All the decisions of the Committee shall be arrived at by vote. Whenever the votes on any question be equal, the Chairman (or in his absence the Vice-Chairman), having already voted, shall give the casting vote.

Should he consider the matter of sufficient importance, he shall withhold the casting vote. The final decision on the question shall then rest with Her Majesty's Ambassador to be confirmed, should his Excellency see fit, by Her Majesty's Secretary of State for Foreign Affairs.

5. The Hospital Committee shall, under the supreme authority of the Secretary of State, exercise entire control over the management and finance, as well as over the disciplinary and sanitary administration of the hospital.

Her Majesty's Consul, on behalf of the Committee, shall superintend and be responsible for duly rendering the accounts, and the Head Surgeon shall be the Executive Officer of the Committee as regards the internal, disciplinary, and sanitary service of the hospital.

6. The Committee may, as occasion requires, augment or diminish the staff of the hospital. It may create or abolish posts. It may appoint or remove any officer or member of the general staff of the hospital, without exception, fix his or her salary and conditions of engagement, frame regulations and issue orders for the guidance of the staff. All such orders and regulations shall be communicated in writing to the Head Surgeon, shall be countersigned by him, and through him served on such members of the hospital staff as may be affected thereby, and all the rules relating to the well-being of the patients, the custody of their property, and matters of general interest shall be posted in a conspicuous place within the hospital building.

7. The hospital is maintained by funds provided by dues on British shipping. The funds are divided into (a) a capital amount invested in British Consols in the name of the Chief Clerk of the Foreign Office and of the Assistant Paymaster-General for the

g as trustees; and (b) the current revenue derived from est received from the capital fund, from the dues levied shipping visiting Constantinople, and from paying patients, medicines, &c.

ues on shipping shall be collected as heretofore at Her Consulate, and shall be banked temporarily at Constanti- t the end of each quarter the surplus, if any, of dues over re shall be accounted for by Her Majesty's Consul in his with the Secretary of State; similarly, any deficit shall y a charge in the same account. The surplus of dues, the interest accruing on the capital fund, shall be credited spital account at the office of Her Majesty's Paymaster- and shall be operated on by the Chief Clerk of the Foreign the time being.

ould the hospital revenue at any time show at the end of cial year an excess over expenditure sufficient, in the f the Committee, to warrant the measure, the excess, in in part, shall be transferred to the funded capital and d in Consols.

d, on the other hand, the current expenditure at any time e revenue to an extent sufficient, in the opinion of the e, to warrant the measure, the excess shall, in whole or in aid by a sale of Consols.

ner of the above events the Chairman of the Committee, or Chairman, shall report to Her Majesty's Ambassador, for the f the Secretary of State.

er Majesty's Consul shall, at the end of each quarter, o the Foreign Office, in the form approved by the Secretary a copy of the account current of hospital receipts, re, and balances, and shall, during the month of March in , transmit in the same way an estimate of expenditure for g financial year.

financial year of the hospital shall begin on the 1st April. ould it at any time appear to the Committee that the derived from the dues on shipping and from the interest on ed capital are in excess of the annual expenditure of al to such an extent as to warrant the measure, it shall d to Her Majesty's Ambassador for reference, should he o Her Majesty's Secretary of State for Foreign Affairs, reduction in dues, and the decision on the matter received r Majesty's Ambassador shall be final. Should a deficit milar procedure shall be adopted to increase the dues.

he staff of the British Seamen's Hospital shall consist

Lead Surgeon,

The Assistant Surgeon, who shall also act as dispenser,
 The matron or housekeeper,
 together with such trained nurses, clerks, sick-ward men, attendant
 and general servants as the Committee may from time to time
 determine.

12. The following books shall be kept by the Head Surgeon, or
 under his responsibility, by such members of the hospital staff as he
 may direct, viz. :—

(a.) A register of the dates of entry and discharge of each
 in-patient, in which shall be inserted his name, nationality, age,
 religion, complaint or injury, as well as the name and nationality of
 his vessel ;

(b.) A register of out-patients, giving the above particulars :

(c.) A register of the effects of each inmate, with the date
 of their reception, and the date and particulars of their ultimate
 disposal ;

(d.) An account-book of general expenditure ;

(e.) A register showing the tonnage dues received from each
 ship, and other receipts ;

(f.) An account-book showing the quarterly balance-sheet
 made up to the end of March, June, September, and December of
 each year ;

(g.) Stock-books of medicines and appliances ;

(h.) An inventory of all furniture and linen.

The Head Surgeon will report to the Committee early in March
 of each year as to the instruments, medicines, and requirements
 generally of the hospital for the ensuing year, and furnish an
 estimate of their cost.

13. The admission of patients, being seamen, shall be made upon
 the order of the officer in charge of the Shipping Department
 of Her Majesty's Consulate, and Returns shall be made to this
 officer by the Head Surgeon, as they occur, of the discharges
 from hospital or of deaths.

14. The Head Surgeon, or, in his absence, the Assistant
 Surgeon, shall, upon an order in writing from the Consul, inspect
 ships or their provisions, and visit officers and seamen on board. In
 cases of emergency visits to men on board may be made in anticipa-
 tion of the order. The Head Surgeon, or, in his absence, the
 Assistant Surgeon, shall visit prisoners in the British prison at the
 request of the Consul, and, in cases of emergency, at the request of
 the gaoler. The Head Surgeon or Assistant Surgeon shall make
 post-mortem and other examinations outside the hospital on the
 order of the Consul, and on the payment of the fees fixed by
 the Committee.

15. Persons not seamen may be admitted to the hospital on an

ed by the Consul, subject to the special regulations to be
the Committee.

e Head Surgeon shall keep a stock of medicines and
for the use of merchant-vessels, and shall make such
them to ship-masters as shall cover their cost.

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dissenting members, to Her Majesty's Ambassador for
eration and reference to the Secretary of State, whose
shall be final.

THESE LAWS for the Encouragement of Navigation.—
*October 1, 1896.**

on.)

15.]

A subsidy for the encouragement of navigation will be
accordance with the provisions of this Law, to Japanese
as well as to mercantile corporations having as their
or shareholders none but Japanese subjects, who make it
ness to transport goods and passengers between ports in
e and foreign countries, or between the different ports in
untries by means of ships exclusively owned by themselves
ered as Imperial Japanese ships.

ording to this Law, the vessels eligible to receive this
e limited to ships built of iron and steel which have a
f over 1,000 tons, and show a maximum speed of over
l miles an hour, and which come up to the standard
by the regulations fixed by the Minister of Communica-
ne building of ships.

ers of ships for which a subsidy is desired must first
official sanction of the Minister of Communications in
such ships.

following vessels are not eligible for the subsidy :—

ips built in foreign countries and registered as Japanese
the date when this Law goes into operation, if at the

hed in the Japanese "Official Gazette" of March 24, 1896, and
o into force on October 1, 1896 (see clause 19).

time of registration a period of five years shall have elapsed time when such ships were built ;

(2.) Ships which have been built for fifteen years ;

(3.) Ships employed in navigation in accordance with the Imperial Government.

5. To ships of a gross tonnage of 1,000 tons having a speed of 10 knots an hour, a subsidy will be given at the rate of 25 sen per ton on the gross tonnage for every 1,000 knots. For every additional 500 tons an increase of 10 per cent. will be given, and for each additional knot an hour of maximum speed the subsidy will be increased by 20 per cent. However, for vessels of 1,000 tons gross tonnage, having a maximum speed of 18 knots an hour, the subsidy will be reckoned at the rate of 6,000 tons of 17 knots of maximum speed per hour.

The subsidy will be issued in full in the case of ships which have been built for less than five years ; in the case of ships which have been built for more than five years, a deduction of 5 per cent. annum will be made.

In calculating the subsidy, parts of a ton and parts of a mile shall not be taken into consideration.

6. The number of nautical miles travelled shall be calculated as the shortest route between ports.

As regards vessels stopping at out-ports in Japan on a voyage to foreign countries, the last port of call at home shall be considered the starting point ; and as regards vessels which call at any of the ports in the Empire on their arrival from abroad, the first port of call shall be taken as the terminating point of the voyage, and the number of knots travelled shall be reckoned accordingly.

In order to prove the number of nautical miles travelled, a certificate from the Government office at the port of call shall be required.

7. Vessels on whose behalf the Minister of Communications shall issue an order for the payment of the grant for which they are entitled, and which have received the official sanction mentioned in Article 3, shall be available for the use of the public service.

Owners of vessels dissatisfied with the amount bestowed on them have the right to file a petition in a Court of Law within three months from the day on which they received the grant. Such appeal to law does not prevent their being made use of.

8. The owners of ships which have received the official sanction mentioned in Article 3 shall, in compliance with orders issued by the Minister of Communications within the limits specified by him, on board such ships students of navigation at their expense, and furnish them with such treatment as the said Minister may determine that is to say :—

having a gross tonnage of over 1,000 tons and under shall take two students; those which have a gross over 2,500 tons and under 4,000 tons shall take three and those over 4,000 tons four students.

Owners of vessels which have received the official sanction in Article 3 shall not employ foreigners in their head or crew, nor on board their ships in any capacity, unless they have permission from the Minister of Communications. However, in case of a vacancy occurring on board ship in foreign service from death or any other unavoidable cause, it shall be necessary to fill the place so vacated on the spot, with the public approval of the Government official there. Under such circumstances the owners and master of the vessels in question must at all times obtain sanction from the Minister of Communications.

The owners of vessels for which the official sanction set forth in Article 3 has been obtained must, when they proceed on a voyage receiving a subsidy, in obedience to the instructions of the Minister of Communications, allow post-office officials to travel on board of charge, and convey, free of charge, mail matter and other matter, as well as everything necessary for both mail and post service.

Owners of vessels who have received the official sanction in Article 3, and their heirs, are not allowed, while such vessels are making a voyage after getting the subsidy, and within a certain time from the day on which they finish the said voyage, to alienate, exchange, make a present of, hypothecate, or mortgage the vessels to foreigners. However, such vessels as have already received the subsidy money received by them, or may be unable to do so, on sea by reason of the act of God, or any other compelling cause which they are unable to resist, are exempted from the provisions of this Article, provided that they secure the official approval of the Minister of Communications.

The Minister of Communications has power, under this Law, to issue direct orders, upon points relating to the business of the vessels, to their agents or masters.

Persons who obtain a subsidy under false pretences, and persons who violate the provisions of Article 11, are liable to be sentenced with hard labour, the maximum term of imprisonment being five years, the minimum one year, and, in addition, to a fine from 200 yen (200 dollars) to 1,000 yen (1,000 dollars).

Persons who attempt to commit the above offences, but do not actually commit them, shall be punishable under the Criminal Law, which provides for the punishment of persons who attempt to commit offences.

In accordance with this Law, persons who disobey orders

emanating from the Minister of Communications, and violate the provisions of Article 9, shall be punished by fine from 20 yen (20 dollars) to 500 yen (500 dollars).

15. The provisions of the Criminal Law relating to the occurrence of several offences committed by the same persons may be made use of in the case of persons committing a contravention of this Law.

16. Persons who receive a subsidy under false pretences made to refund the sums they have thus obtained, and against the provisions of Article 11 shall be made to pay the subsidy money they have already received.

17. Should owners of vessels violate the provisions of the Law, the Minister of Communications shall have power to stop the payment of any subsidy, and this will also be the case when the master commits any offence under the circumstances enumerated in Article 12.

18. The above penal clauses apply, in the case of persons responsible members and agents who commit any offence mentioned in any of these clauses.

19. This Law shall go into force on the 1st day of October 1896 (1st day of the 10th month of the 29th year of Meiji).

JAPANESE LAW for the Encouragement of Ship-building
October 1, 1896.*

(Translation.)

[Law No. 16.]

ART. 1. A subsidy for the encouragement of ship-building shall be granted to Japanese subjects, as well as to mercantile corporations having as their members and shareholders none but Japanese subjects, who shall establish ship-building yards coming within the standard prescribed by the Minister of Communications and engage in ship-building. The grant will be given in respect of vessels as shall be built there in accordance with the provisions of this Law.

2. Vessels eligible to receive a subsidy in accordance with the provisions of this Law are limited to such as shall be constructed of iron or steel, and shall have a gross tonnage of over 70 tons, and conform to the regulations for the building of ships fixed by the Minister of Communications, having been built under the provisions of this Law.

* Published in the Japanese "Official Gazette" of March 1896, and ordered to go into force on October 1, 1896 (see clause 8).

subsidy shall be granted in the case of ships of more than 1,000 tons gross, at the rate of 12 yen (12 dollars) per ton of the gross tonnage of the ship, and in the case of ships of less than 1,000 tons, at the rate of 20 yen (20 dollars) per ton of gross tonnage. In the event of the engines having also been constructed at such ship-building yard, a grant of 5 yen will be given, in addition, for each unit of actual horsepower. It is to be noted that this grant will likewise be applicable to machinery ordered from and constructed in any other part of the Empire, provided that the official sanction of the Ministry of Communications shall have previously been obtained.

Vessels receiving a subsidy are not to be allowed, otherwise in accordance with the rules fixed by the Minister of Communications, to make use, either in the engines or the structure of the vessel, of any articles of foreign manufacture.

Persons who shall obtain a subsidy under false pretences shall be liable to imprisonment with hard labour for a period of not less than one year and not more than five years, and to pay, in addition, a fine of not less than 200 yen (200 dollars) and not more than 500 yen.

The money obtained by these means is to be returned. Persons who may attempt to commit any of the offences stated in this Law, or who do not succeed in fulfilling their intention, shall be dealt with according to the regulations of the Criminal Law which prescribe punishment for attempts to commit offences. Persons who attempt to commit any of the offences shall be liable to imprisonment with hard labour for a period of not less than one year and not more than five years, and to pay, in addition, a fine of not less than 200 yen (200 dollars) and not more than 500 yen.

The provisions of the Criminal Law relating to the commission of several offences committed by the same person shall not apply in the case of persons committing offences in connection with this Law.

The two penal clauses enumerated above shall apply, in the case of mercantile corporations, to responsible members and agents who commit such offences.

This Law shall go into operation from the 1st day of October, 1896 (the 1st day of the 10th month of the 29th year of the Meiji era) and shall remain in force for the space of five years.

EXTRADITION Treaty between Spain and Vene
Signed at Carácas, January 22, 1894.

[Ratifications exchanged at Carácas, May 2, 1894.]

(Translation.)

DON ALFONSO XIII, King of Spain, and in his Majesty the Queen-Regent Dona Maria Cristina, and the Executive of the Republic of the United States of America, Señor General Joaquin Crespo, animated with the desire of securing and promoting, by common accord, the well-being and tranquillity of their respective States, of facilitating the prompt, and efficacious administration of justice, of preventing crime and regulating the surrender of criminals who seek refuge in their respective dominions, have resolved to conclude a Treaty for the extradition of fugitive criminals, and have appointed as their Plenipotentiaries, viz.:

Her Majesty the Queen-Regent of Spain, in the person of her august son, D. Ramiro Gil de Uribarri, Knight of the Royal Distinguished Order of Charles III, Member of the Foreign Orders, Minister Resident in the United States of Venezuela; and

The Head of the Executive of the Republic of the United States of Venezuela, Don Pedro Ezequiel Rojas, Minister of Foreign Affairs;

Who, after having communicated to each other their full powers, and found them in good and due form, have agreed upon the following Articles:—

ART. I. The Governments of Spain and Venezuela agree to ratify the present Treaty, to deliver up reciprocally such individuals who have been convicted or being prosecuted by the competent authorities of one of the High Contracting Parties, as principals, accomplices, or abettors of any of the crimes hereinafter specified, who have fled to the territory of the other.

II. According to the dispositions of the preceding Article, persons shall be surrendered who are accused or convicted of the following crimes:—

- (a.) Wilful murder, including assassination, parricide, and poisoning, infanticide, and procuring the miscarriage of women;
- (b.) Attempt at murder;
- (c.) Rape and violation;
- (d.) Desertion of children;
- (e.) Arson;

ling of fields or houses, or other acts of demolition ;
 very, when it consists of theft of money, securities,
 or any kind of public or private property, fraudulent
 the public highway, in establishments or an inhabited
 generally, robbery committed with violence, by scaling
 or breaking ;
 olition of Government or other public offices, or of
 nking houses, savings banks or banks of deposit, and
 mpanies, with intent to commit a crime ;
 mpts by private persons against individual liberty and
 ation of domicile ;
 ery and the disposal of forged documents, whether
 vate ;
 forging and substitution of official acts, documents
 of the Government or of the public service, including
 aining to Courts of Justice, and the fraudulent use
 he same ;
 rfeiting money, whether in metal or in paper ; falsifica-
 s or coupons of the public debt, of bank notes or other
 ities, of seals, stamps, dies, and signatures of State
 cials, and the sale, circulation, and fraudulent use of any
 mentioned articles ;
 embezzlement of public funds committed within the
 of either of the two High Contracting Parties by public
 rrustees ;
 t committed by any person or persons in receipt of pay,
 lice of their superiors and employers ;
 detention or concealment of persons for the purpose of
 ey or for any other illegal object ;
 ilation, blows, and wounds inflicted with premeditation,
 ry or permanent incapacity for work, loss of sight or
 gan, or death, even if caused unintentionally ;
 pering with railroads and endangering thereby the lives
 s, and likewise tampering with telegraphs, docks, and
 s ;
 uction, indecent assaults with violence, or without
 en against children of either sex, under twelve years of
 any, polygamy ;
 ey—the following shall be considered pirates for the
 this Treaty :
 who, forming part of the crew of a ship of any
 or without nationality, shall capture, under arms, any
 under it, or assault persons on board, or attack any

(2.) All who board any vessel, capture it, and voluntarily deliver it over to a pirate;

(3.) Those who undertake privateering during war between two or more nations, without letters of marque from any of the belligerents, or with letters of marque from two or more of the belligerents on either side;

(4.) Captains, employers, or any persons forming part of the crew of a ship of war who take possession of her, mutinying against the Government to which the vessel belongs;

(u.) The concealment, unlawful detention, substitution or corruption of minors. Unlawful assumption of civil status;

(v.) Fraudulent bankruptcy, as well as fraudulent acts committed in cases of insolvency;

(w.) Bribery;

(x.) Abuse of confidence, including the fraudulent misuse of "blanc-seing."

(y.) Embezzlement;

In no case, however, will extradition be conceded when the crime committed or attempted is punishable by imprisonment not exceeding two years.

III. Extradition will not be allowed—

(a.) If the delinquent has suffered or is suffering punishment in the country from which extradition is claimed, in respect of the crime upon which the demand is founded, or has been prosecuted there, and declared not guilty and acquitted, or if he be at the time on trial;

(b.) On expiration of the time prescribed, according to the laws of the country to which requisition is made, for the institution of criminal proceedings, or for the punishment of the crime on which the demand is founded;

(c.) Unless the fact of the perpetration of the crime be proved in such a manner, that the accused persons would have been legally arrested and tried according to the laws of the State where they are residing if the crime had been committed within its jurisdiction;

(d.) For political offences or acts connected with them. It is, however, fully understood that in no case, and under no pretext whatsoever, shall an attempt on the life of the Sovereign or Chief of the State of either of the Contracting Parties, or on the life of any member of their respective families ever be considered as a political offence, if the attempt constitutes the offence of homicide or of poisoning;

(e.) When it is a case of fugitive slaves, or of criminals who have been in the condition of slaves, or in the case of such persons who, though not having been slaves, have been compelled against their

service with a private individual at the time of commission.

It is understood that the stipulations of the present Treaty may bind either of the two High Contracting Parties as to the other their own subjects or citizens, and that this Article foreigners naturalized in Spain or Venezuela shall be considered as Spaniards or as Venezuelans if the offence committed previous to the date of naturalization.

A person shall be proceeded against or punished for political offences which he may have committed whether they be committed or not with the offence for which he has been surrendered. The Government which is requisitioned for the surrender shall demand that a fresh guarantee be given in favour of the person by official notes, if on account of special political considerations, there should be reason to believe that action for a second offence might be taken against the person whose extradition is demanded.

In consideration of the close ties which unite the two States it shall be understood, as a special concession and not as a general principle, that when Spain claims from Venezuela extradition on whom according to the laws of Spain the penalty of death shall have to be imposed, extradition shall not be granted, the assurance being given through the diplomatic channel that the penalty in question shall be commuted, whether the case is concluded.

It has been brought into serious consideration the plans which in various parts of the world have been put into execution for the destruction of society, the High Contracting Parties reserve the right to take subsequently regarding the measures which should be taken to assure to society the necessary protection against such

the person whose surrender is requisitioned is a subject of the States of both the High Contracting Parties. The Government from whom the requisition is made may demand of the Government of the country to whom the offender is surrendered that this Government in turn demand his surrender from the Government from whom requisition is made, or may demand the surrender of him to the country on whose territory the offence has been committed, or to the country to whom the offender is surrendered. Should the person to whom requisition is made by both the two High Contracting Parties in accordance with the stipulations of this Treaty be also requisitioned by another or by others, the Government from whom requisition is made shall surrender the offender to the country which has first demanded him, if the offences are all of equal gravity. Should his

surrender be required on account of offences of different shall be handed over to the country where the most serious has been committed according to the opinion of the Government from whom requisition is made.

Should the existing Extradition Treaties with the Government which are making the requisition be at variance on the provisions of the earliest Treaty shall be followed.

VIII. The requisition for surrender shall be made through diplomatic channel, and shall be supported by the following documents:—

1. The warrant against the accused, or any other judicial document, clearly setting forth the offences and the law which is applicable to them, and also the depositions and evidence on which the warrant was founded;

2. A description of the person claimed, in so far as possible, so as to facilitate his discovery and arrest and the return of his person.

IX. The stipulations of the present Treaty shall be applicable to all the foreign or colonial possessions of either of the Contracting Parties.

X. If a fugitive offender has been convicted for the offence for which surrender is requisitioned, a properly authorized copy of the sentence of the tribunal which convicted him shall be produced. If the fugitive has been accused but not convicted, a properly legalized copy of the warrant in the country in which the offence has been committed, together with the declarations on which the warrant is founded, and with such evidence and proof as may be deemed sufficient, shall nevertheless be produced.

XI. In cases of urgency, and especially when there is reason to fear that the individual may escape, either of the Contracting Governments acting on a sentence of conviction or on a warrant of arrest may in the quickest manner possible, even by telegram, demand the arrest of the accused or convicted person subject to the condition that the required document referred to in Article X shall be presented as soon as possible.

XII. If the accused or convicted person has not been handed over by the Diplomatic Agent to the country which demands his surrender within the space of one month, reckoned from the date on which he had been placed at the disposal of the Diplomatic Agent, should the claim for surrender have been made from Spain or Porto Rico; of two months if the claim has been made from the Philippines; and of three months if from the Philippines, he shall be discharged from custody and shall not be again detained for the same offence.

XIII. In putting into force the provisions of the present

dition of offenders shall be conducted in accordance with
ation in force in the two countries.

Stolen articles and such articles as are in the possession of
cted or accused person, the instruments and tools used in
ng the crime or offence, as well as any other proof of
e, shall be delivered up at the time when the extradition
ce. Such delivery shall take place even when the extradi-
r having been granted, cannot be carried out by reason of
e or death of the guilty person.

surrender shall also include objects of a similar nature
accused had hidden or disposed of in the country where he
n refuge, and which had been since found. The rights
parties with regard to the said property are nevertheless
and the property shall be returned gratis at the conclusion
al.

ilar reservation is stipulated with regard to the right of the
ent to whom the requisition is made to retain provisionally
mentioned property, as long as it is required for the prose-
the case which has given rise to the demand for extradition,
y other offence.

The expenses connected with the arrest, detention, examina-
conveyance of the accused until he is surrendered in the
embarkation shall be paid on his arrival by the Government
s made the requisition.

In conformity with the provisions laid down in Article IX
ommercial Treaty now in force between Spain and Venezuela,
d on the 20th May, 1882,* the Consuls-General, Consuls,
suls, and Consular Agents of each of the two High
ing Parties shall be authorized to cause the detention, for
ent and conveyance to their own country, of such officers,
nd other persons as form part, in any sense, of the crew of
war or merchant-vessels of their country when suspected
ed of desertion.

irtue of a claim thus justified, the surrender of these
s cannot be refused unless it be duly proved that at the time
enlistment they were subjects or citizens of the country from
e extradition is requisitioned. Every assistance and support
given for the examination, the capture, and the arrest of
rters, who shall remain in custody in the prisons of the
at the request and at the charge of the Consuls until they
e them embarked. If, however, there is no opportunity
king them within three months of their arrest, the deserters
set at liberty, and they shall not be again arrested for the
ence.

* Vol. LXXIII, page 592.

Should the deserter have committed any offence, his sentence shall be postponed until his sentence has been passed by the competent tribunal and the expiration of that sentence.

XVII. If the individual required be prosecuted, put to death or condemned for any crime or offence committed in the country where he has taken refuge, his extradition shall be postponed until the case is decided, or, in case of conviction, until the sentence has expired.

XVIII. Responsibility for civil obligations towards third persons incurred by the individual whose extradition is requested shall not hinder his extradition.

XIX. If, for the elucidation of facts, in a non-political case conducted in one of the two contracting countries, a demand is made to a demand for extradition, it may be necessary to take evidence from one or more persons domiciled or resident in the other country. The Government of the country in which the case is being conducted shall send, through the diplomatic channel, a request in writing in the form, which shall be enforced by the competent authorities, in accordance with the laws of the country where the testimony of the witnesses is to be taken.

If in a case of this nature it should be necessary to examine the accused with one or more persons detained in the other country, the Government to which the request is made shall be obliged to obtain documentary evidence or other official papers, and shall be obliged to make through the diplomatic channel, and shall be obliged to make with, provided always that the persons in question consent to do so voluntarily and that exceptional circumstances do not prevent the same. dispatch.

The persons detained shall, however, be sent back to their country as soon as possible and the documents in question returned.

The expenses arising from sending persons, documents and other necessary formalities, shall be borne by each Government within the limits of whose territory the expense was incurred.

XX. Should a subject or citizen of either of the Contracting Parties have taken refuge in the territory of the other, having already committed in a third country a crime enumerated in Article II, and should the Government to which he belongs claim him, his extradition shall be granted if it is possible to try him according to the laws in force in the country where he has taken refuge, and on condition that his sentence shall not be demanded by the Government of the country where he committed the offence, notwithstanding that he has not been sentenced or that his sentence has not expired.

A similar course of procedure shall be adopted with regard to a foreigner, who, in the above-mentioned circumstances,

h offences against a subject or citizen of one of the two Contracting Parties, provided always that he belongs to a country whose laws do not conflict with the application of this

The High Contracting Parties engage to proceed in accordance with their respective laws against the crimes and offences committed by the subjects and citizens of one Party against the laws of the other from the moment in which the requisition is made, and that the crimes and offences fall under one of the categories defined in Article II of the present Treaty.

When a person is proceeded against in accordance with the laws of one country on account of a punishable offence, committed in the territory of the other nation, the Government of the latter shall be obliged to transmit the reports, the legal documents, the *corpus delicti*, and any declaration necessary for shortening the proceedings. The High Contracting Parties engage reciprocally to execute the sentences passed by the Tribunals of the one against the subjects and citizens of the other on account of any crime or offence. The sentence shall be communicated to the Government of the country in which the convicted person belongs through the diplomatic channels. Each of the two Governments shall give the necessary assistance to this effect to the competent authorities.

III. No person shall be extradited in virtue of this Treaty for any crime or offence committed previous to the exchange of ratifications, and he shall not be tried for any other crime or offence committed after he has been extradited, unless the offence is included in Article II, and has been committed subsequent to the exchange of ratifications and has been included in the requisition.

IV. The present Treaty shall remain in force for five years, and neither Government within the period of twelve months from the expiration of this period give notice of a desire to modify or terminate it, it shall be prolonged for another five years, and may be successfully prolonged for periods of five years.

The High Contracting Parties reserve the right of ratifying the present Treaty within a period of twelve months from the date of its signature. If on account of circumstances independent of the will of both Governments it should have been impossible to complete the ratifications within the given period, a subsequent date shall be agreed upon in exchange of notes.

V. The ratifications shall be exchanged in the city of

VI. The exchange of ratifications shall be published on the date having been previously fixed by the two Govern-

The present Treaty shall come into force one month publication referred to, which date shall be notified in Gazette in which is published the Treaty and its ratification.

In witness whereof the respective Plenipotentiaries have the same in duplicate, and have affixed thereto their seals.

Done at Carácas, the 22nd day of January, in the year Lord, 1894.

(L.S.) RAMIRO GIL DE UR

(L.S.) P. EZEQUIEL ROJAS

*LOI de la République Française, déclarant Madagascar les îles qui en dépendent Colonie Française.—Brest, le 1896.**

Le Sénat et la Chambre des Députés ont adopté,
Le Président de la République promulgue la Loi dont suit:—

Article Unique.—Est déclarée Colonie Française l'Ile Madagascar avec les îles qui en dépendent.

La présente Loi, délibérée et adoptée par le Sénat et la Chambre des Députés, sera exécutée comme loi de l'État.

Fait à Brest, le 6 Août, 1896.

(L.S.) FÉLIX

Par le Président de la République :

ANDRÉ LEBON, *Ministre des Colonies.*

G. HANOTAUX, *Ministre des Affaires Étrangères.*

NOTE relative au Régime Douanier de Madagascar

EN conséquence de la Loi d'Annexion, le Ministre des Colonies porte à la connaissance de tous les négociants en relations avec Madagascar les dispositions suivantes, qui sont signifiées par courrier du 10 Août courant à l'administration locale et ont leur effet à dater de la promulgation de la dite Loi dans l'État.

1^{er}. Les produits Français importés dans l'île et venant de France, soit d'une Colonie Française, en droiture, en franchise, cessant d'être frappés du droit de 10 pour cent qui leur était appliqué antérieurement.

2. L'entrée en franchise à Madagascar des produits Français subordonnée à la présentation aux agents du service de

* From the "Journal Officiel" of August 8, 1896.

car, par les négociants Français intéressés, de passavants l'administration de douanes métropolitaines aux ports de avant pour objet d'établir que les produits sont d'origine ont été francisés par le paiement des droits.

marchandises expédiées de France à la décharge de dmission temporaire entreront en franchise à Madagascar taxation définitive du régime douanier de la Colonie.

tendant cette réglementation définitive, tous les produits rangère demeureront uniquement frappés du droit actuel 50 pour cent. *ad valorem* à l'importation.

TION between the Netherlands and the South African ic for the Extradition of Criminals.—Signed at the November 9, 1895.

fications exchanged at the Hague, June 19, 1896.]*

a.)
Majesty the Queen of the Netherlands and in her name y the Queen-Regent of the kingdom, and his Excellency ent of the South African Republic, having agreed to fresh Treaty relating to the extradition of criminals, have d appointed the following persons as their Plenipo-

Majesty the Queen-Regent of the Kingdom of the Nether- Honourable Joan Röell, Minister for Foreign Affairs, and der Kaay, Barrister-at-Law, Minister of Justice; and cellency the President of the South African Republic, raham Iduard Snotlage, Consul-General of the South ublic in the Netherlands;

fter having exhibited their credentials to each other, found to be in good and proper form, have agreed upon g Articles:—

The Government of the Netherlands and the Govern- e South African Republic bind themselves, in accordance ovisions enacted in the following Articles, reciprocally to to each other all persons suspected, accused, or con-

onvention was not communicated to the British Government for approval in accordance with Article IV of the Convention between and the South African Republic, signed at London, February 27, ol. LXXV, page 5.

demned in the case of one or more of the acts hereinafter mentioned and committed outside of the territory of the Party from whom extradition is asked, viz.:—

1. An attempt on the life of the King, of the reigning Queen, the Regent, or of the President of the Republic;

2. Murder or manslaughter (including cases of children), parricide, poisoning;

3. Procuring abortion, either by the woman herself or by other persons;

4. Personal violence, so far as the laws of the country from which the extradition is asked allow of extradition on that account;

5. Rape or other act of immorality, so far as the laws of the country from which the extradition is asked sanction extradition on that account;

6. Bigamy;

7. Stealing, carrying off, harbouring, concealing, or substituting child;

8. Coining or forging specie or bank notes, or wilfully bringing into circulation bad money or forged bank notes, in both cases so far as the laws of the country from which the extradition is asked sanction extradition on that account;

9. Forging seals or marks, so far as the laws of the country from which the extradition is asked sanction extradition on that account;

10. Forging documents or bank paper, and wilfully making use of them, so far as the laws of the country from which the extradition is asked sanction extradition on that account;

11. Perjury, false evidence, bribery of witnesses;

12. Bribery of officials, extortion, embezzlement by officials, so far as the laws of the country from which the extradition is asked permit extradition on that account;

13. Arson, so far as the laws of the country from which the extradition is requested permit extradition on that account;

14. Wilful and illegal destruction of any building, which in whole or in part belongs to another person, so far as the laws of the country from which the extradition is requested permit extradition on that account;

15. Violent attacks on persons or property made with accomplices, so far as the laws of the country from which the extradition is requested permit extradition on that account;

16. Illegally and wilfully sinking, or causing to sink, destroying, or rendering unserviceable a vessel, so far as the laws of the country from which the extradition is claimed permit extradition on that account;

linity and resistance of passengers to the captain and of
 their superiors in rank;
 fully causing danger to a railway train;
 ft, embezzlement;
 ndling;

ase of a "blanc-seing;"
 udulent bankruptcy, so far as the laws of the country
 the extradition is claimed permit extradition on that

the preceding provisions are included attempt and com-
 ar as the laws of the country from which the extradition
 d make them criminal offences.

e question whether an act comes within the terms of
 hall be decided according to the law of the country from
 extradition is requested.

extradition shall not be granted in the case of the offence
 en committed in a country other than the Netherlands
 uth African Republic, the Government of which asks for

extradition shall not be granted, so long as the person
 being prosecuted, in the country from which the extradi-
 anted, for the offence for which the extradition was
 or in case he has already been found guilty, released
 proceedings, or acquitted on the case being tried by the
 ualified Judge of one of the two countries.

radition shall not be granted if the limit of time prescribed
 osecution or the punishment of an offence has expired
 arrest of the person, according to the laws of the country
 h the extradition is claimed, or, if no arrest has been
 re the summons to the Court, or before the issuing of a

extradition shall be granted only on the condition that the
 radited shall not be prosecuted or punished, nor delivered
 other State, for an offence not named in Article I of this
 d perpetrated before the extradition, unless he has been
 period of one month to leave the country.

all he be prosecuted or punished for an offence named in
 t Treaty and committed before the extradition, but for
 adition has not been granted, without the consent of the
 nt which has given him up, which, however, if it deems
 rse desirable, shall be competent to demand the produc-
 y of the documents mentioned in Article X of the present
 The consent of that Government shall also be required to
 ition of the accused to another country other than that of
 Contracting Parties. The consent shall, however, not be

required if the accused of his own free will has asked to undergo his punishment, or if he has not left, within the aforesaid, the territory of the State to which he has been committed.

VII. If the person whose extradition is requested is already prosecuted or is undergoing punishment for an offence of which that which was the ground for the request for extradition must not be granted before the termination of the prosecution in the country from which the extradition is requested, and in case of his condemnation, until he has undergone his punishment or received his pardon, the provisions in Article X are reserved.

VIII. The provisions of the present Treaty do not apply to political offences.

No person who has been extradited on account of a crime named in Article I may therefore in any case be prosecuted or punished in the State to which the extradition has been granted for a political offence committed by him before his extradition, or for any offence connected with such political offence, unless he has the opportunity of leaving the country again during the space of one month after the prosecution instituted against him has expired, or in case of his having been found guilty, has undergone the punishment inflicted on him, or has been pardoned.

IX. The extradition shall be applied for through the diplomatic channel, in the Netherlands, to and by the Minister of Foreign Affairs, and in the South African Republic, to and by the Secretary.

X. No extradition shall be granted except upon the production of the original or of an attested copy of a sentence of condemnation or of an indictment or of a prosecution at law with warrant or of a warrant for arrest issued in the form prescribed by the laws of the country which makes the application, provided that the application is accompanied by the declarations of witnesses (made either in the presence or in the absence of the accused), from which declarations and the aforesaid sentences, &c., the State from which the extradition is asked can determine whether the offence in question is the same as that for which extradition is requested, and that the provisions provided for in the present Treaty.

By attested copies shall be understood the copies of all documents above mentioned attested by an official competent to make such attestations by the law of the country that makes the application.

The documents produced shall, if possible, be accompanied by a description of the person whose extradition is asked for.

XI. No extradition shall be carried out unless the evidence produced, as required in the preceding Article X, affords sufficient proof of the offence, according to the laws of the State from which the extradition is requested.

property seized in the possession of the person claimed over to the State making the claim, if the competent the State, from which the extradition is requested, has transfer.

While awaiting the request for extradition through the mentioned in Article IX, the person whose extradition is according to the present Treaty, may be temporarily kept in order of the competent Magistrates; in the Netherlands request of a public prosecutor of the South African the South African Republic, on the request of any justice or of any Judge of Instruction.

Requests shall be made through the diplomatic channel.

Temporary detention is subject to the forms and regulations of the laws of the State in which it takes place.

Request for extradition, with the necessary documents, must be made within three months after the date of the order for arrest, the person temporarily arrested shall be immediately liberated, unless he has, for other reasons, to be kept in

Whenever in a criminal case the trial or the confrontation of the person in temporary custody or undergoing punishment in the State, being foreigners as regards that State, or their persons as witnesses, or information as regards documents in the hands of authorities of the other State, if judged useful or necessary, the request relating to extradition shall be made in accordance with Article IX of this Treaty, if there are special reasons against such a course, and with the view of sending the criminals back immediately after the end of the trial, the confrontation of the criminals, or the return also of the documents.

When the transport across the territory of one of the Contracting States of a person extradited by a third Power to the other party, through the territory of a third Power, to the country through which the transport is effected, is refused, if the country, through which the transport takes place, is not a party to an extradition Treaty with such third Power, on the condition, either of the original or of an attested copy of the documents mentioned in Article X of the present Treaty, that the offence on which the extradition is grounded is not provided for in that Treaty, and does not come under the provisions of the Treaty, the extradition is not to be granted, or under the conditions provided in certain cases in this Treaty, and provided that the transport takes place with the co-operation of the authorities of the State which has permitted the transport across its territory. The expenses of the transport shall be defrayed by the State which requests the extradition.

XVI. The respective Governments renounce all claim for reimbursement of the cost of maintenance, of transport, &c., which may be incurred within their boundaries in the extradition of persons, and also in the transport and return of persons temporarily extradited, and also in the transmission and returning of papers and documents.

The person to be extradited shall be taken to the port to be agreed upon by the two Governments, and be placed on board the vessel at the cost of the State claiming the extradition.

XVII. The present Treaty, which does not apply to the Colonies, shall come into operation three months after the exchange of the ratifications.

It shall remain in force for six months after denunciation by one of the two Governments.

It shall be ratified, and the ratifications shall be exchanged as soon as possible.

In token whereof the two Plenipotentiaries have signed and sealed the present Treaty.

Done in duplicate at the Hague, the 9th November, 1895.

(L.S.) J. RÖELL.

(L.S.) VAN DER KAAJ.

(L.S.) R. A. I. SNODHILL.

BRITISH NOTIFICATION of the Accession of the Colonies of Newfoundland and Natal to the Commercial Treaty between Great Britain and Japan of July 16, 1894.—Tokio November 26, 1895.

Her Britannic Majesty's Legation, Tokio
November 26, 1895.

M. LE MINISTRE,

I HAVE the honour to state that I have received instructions from Her Majesty's Principal Secretary of State for Foreign Affairs to notify to the Imperial Government that the Colonies of Newfoundland and Natal have expressed a desire that the stipulations of the Treaty signed on the 16th July, 1894,* between Great Britain and Japan, should be made applicable to them.

In conveying this desire on the part of these Colonies to your Excellency, I avail, myself, &c.,

The Marquis Saionji Kinmochi.

ERNEST SATOW.

* Vol. LXXXVI, page 39.

*Convention between Germany and the Netherlands for the
Extradition of Criminals.—Signed at Berlin, Decem-
ber 1, 1896.*

—
Ratifications exchanged at Berlin, October 23, 1897.]
—

WIR, Seine Majestät die Königin-Regentin der Niederlande,
Seine Majestät der Königin der Niederlande, und Seine
Majestät der Deutsche Kaiser, König von Preussen, im Namen des
deutschen Reichs, übereingekommen sind, einen Vertrag wegen
gegenseitiger Auslieferung der Verbrecher abzuschliessen, haben
sich deshalb zu diesem Zwecke mit Vollmacht versehen

:
Seine Majestät die Königin-Regentin der Niederlande, den
ordentlichen Gesandten und bevollmächtigten Minister Ihrer
Majestät der Königin der Niederlande bei Seiner Majestät dem
Deutschen Kaiser, König von Preussen, Herrn Jonkheer Dr. Dirk
Wilhelm van Tets van Goudriaan;

Seine Majestät der Deutsche Kaiser, König von Preussen, Aller-
höchster Wirklicher Geheimer Legationsrath Herrn Michelet
de Maréville;

haben nach gegenseitiger Mittheilung ihrer in guter und
rechter Form befundenen Vollmachten über folgende Artikel
übereingekommen sind:—

Art. I. Die Hohen vertragschliessenden Theile verpflichten
sich durch gegenwärtigen Vertrag, sich in allen nach dessen
Bestimmungen zulässigen Fällen die in ihrem Gebiete befindlichen
Verbrecher, die wegen einer der nachstehend aufgezählten ausser-
ordentlichen Verbrechen des ersuchten Theiles begangenen strafbaren
Verbrechen, sei es als Thäter oder Theilnehmer, verurtheilt oder
verurtheilt worden sind, einander auszuliefern, sofern die betref-
fende Handlung zugleich nach der Gesetzgebung des ersuchten
Landes als eine der nachstehend aufgezählten Straftthaten an-
zusehen ist.

Die im Vorstehenden in Bezug genommenen Straftthaten

sind: Mordschlag, Mord, Kindesmord;

Verbrechen schriftlich und unter einer bestimmten Bedingung ausge-
sprochene Bedrohung;

Vorsätzliche Abtreibung der Leibesfrucht;

Vorsätzliche Misshandlung, welche eine schwere Körper

verletzung oder den Tod zur Folge gehabt hat, mit Verbegangene Misshandlung, beabsichtigte schwere Misshandlung;

5. Nothzucht;

6. Vornahme unzuchtiger Handlungen mit Gewalt oder Bedrohung mit Gewalt, Missbrauch einer Frauensperson, ausschweifliche Beischläfe mit dem Bewusstsein, dass einem willenlosen oder bewusstlosen Zustande befindet;

7. Vornahme unzuchtiger Handlungen mit Personen Jahren, sowie Verleitung solcher Personen zur Vertüglung Duldung unzuchtiger Handlungen;

8. Kuppelei;

9. Mehrfache Ehe;

10. Entziehung oder Entführung, Verheimlichung, Uklung, Verwechselung oder Unterschiebung eines Kindes;

11. Entziehung oder Entführung einer minderjährigen

12. Falschmünzerei, nämlich Nachmachung, FälschVeränderung von Metallgeld oder Papiergeld in der Al Geld als echtes und unverändertes in Verkehr zu bring wissentliche Inumlaufsetzung von nachgemachtem, gefäls verändertem Metallgeld oder Papiergelde;

13. Fälschung und Verfälschung der von Reichs- od wegen ausgegebenen Stempelzeichen oder Marken, in d sie als echt zu verwenden;

14. Urkundenfälschung, einschliesslich der Fälschung noten und Bewirkung einer unrichtigen amtlichen Beu sofern bei diesen Handlungen ein Gebrauch der gefäls falschen Urkunde beabsichtigt ist und aus dem Geb Schaden entstehen kann; wissentlicher Gebrauch solch den, aus dem ein Schaden entstehen kann; sowie w Einführung falscher oder verfälschter Noten einer Gesetzes bestehenden Notenbank, in der Absicht sie als unverfälscht in Verkehr zu bringen, sofern der Thäter Empfangen von der Fälschung oder Verfälschung hatte;

15. Meineid;

16. Bestechung, insofern Geschenke oder Versprech Richter in rechtswidriger Absicht gemacht oder von eine oder sonstigen Beamten rechtswidrig angenommen we pressung durch Beamte, Unterschlagung begangen von oder anderen zu einem öffentlichen Dienste dauernd oder bestellten Personen;

17. Vorsätzliche Brandstiftung mit gemeiner Gefah Eigenthum oder mit Gefährdung des Lebens Anderer; setzen einer versicherten Sache in betrügerischer Ab Nachtheile des Versicherers;

vorsätzliche und rechtswidrige Zerstörung von Gebäuden, oder theilweise fremdes Eigenthum sind; vorsätzliche Zerstörung von Gebäuden oder anderen Bauwerken durch Gebrauch von explosiven Stoffen mit gemeiner Gefahr für das Eigenthum oder die Gefährdung des Lebens Anderer; öffentliche Gewaltthätigkeit mit vereinten Kräften gegen Personen oder Sachen; Verhinderung der Wirkung des Sinkens oder der Strandung von Schiffen durch Zerstörung, Unbrauchbarmachung oder Beschädigung, oder die Handlung vorsätzlich und rechtswidrig begangen und die Gefahr für das Leben eines Anderen herbeigeführt ist; Widerstand oder thätlicher Angriff der Schiffsmannschaft auf den Schiffsführer oder einen anderen Vorgesetzten; vorsätzliche Gefährdung eines Eisenbahnzugs; Diebstahl; Betrug; Missbrauch einer Blanko-Unterschrift; Unterschlagung; Betrügerlicher Bankerutt.

Auf welche Weise findet die Auslieferung statt wegen Versuchs der vorbezeichneten strafbaren Handlungen, sofern er auch durch die Gesetzgebung des ersuchten Theiles strafbar ist. Kein Deutscher wird von einer Regierung des Deutschen Reichs an die Königlich Niederländische Regierung und von dieser an eine Regierung des Deutschen Reichs ausgeliefert.

Wenn eine nach diesem Verträge beanspruchte Person auch von mehreren anderen Regierungen in Anspruch genommen wird, so kann der ersuchte Theil dem Auslieferungsantrag einer der Regierungen den Vorzug geben, sofern er hierzu vertragsverpflichtet ist oder es den Interessen der Strafrechtspflege entsprechend findet.

Die Auslieferung soll nicht stattfinden:—

Wenn die Strafverfolgung oder die Strafvollstreckung nach der Gesetzgebung des ersuchten Theiles verjährt ist;

Wenn die von einer Regierung des Deutschen Reichs beanspruchte Person in den Niederlanden oder die von der Königlich Niederländischen Regierung beanspruchte Person im Deutschen Reich wegen derselben strafbaren Handlungen, wegen deren die Auslieferung beantragt wird, in gerichtlicher Untersuchung gewesen und verurtheilt, ausser Verfolgung gesetzt oder ausgesprochen worden ist.

Während eines noch schwebenden Verfahrens oder nach dessen Beendigung kann die Auslieferung abgelehnt werden.

Wenn die auszuliefernde Person wegen einer anderen

strafbaren Handlung als derjenigen, wegen deren die A beantragt ist, sich in Untersuchung befindet oder verbüsst, so wird die Auslieferung nicht eher statthaft, als diese Untersuchung beendet und die zuerkannte Strafe oder Begnadigung erfolgt ist.

Es kann jedoch eine beanspruchte Person, um in dem Staate vor Gericht gestellt zu werden, zeitweilig werden unter der Bedingung, dass sie nach Ablauf der Untersuchung zurückgeliefert wird.

V. Wenn eine beanspruchte Person Verbindlichkeiten Privatpersonen eingegangen ist, an deren Erfüllung die Auslieferung verhindert wird, so soll sie dennoch in Haft bleiben, und es bleibt dem dadurch beeinträchtigt überlassen, seine Rechte vor der zuständigen Behörde geltend zu machen.

VI. Die ausgelieferte Person darf wegen einer andern Auslieferung begangenen strafbaren Handlung als welche die Auslieferung begründet hat, weder in dem Staate, in welchem die Auslieferung erfolgt ist, zur Untersuchung oder bestraft, noch von da an einen dritten Staat weitergeführt werden, es sei denn, dass die Regierung, welche die Auslieferung bewilligt hat, ihre Zustimmung erklärt oder dass die ausgelieferte Person die Freiheit gehabt hat, das Land binnen einem Monate zu verlassen. Beendigung der Untersuchung und im Falle der Verurtheilung nach Verbüßung der Strafe oder nach etwaiger Begnadigung wieder zu verlassen, oder dass sie nach Verlassen des Landes dahin zurückgekehrt ist.

Die Bestimmungen des gegenwärtigen Vertrags können auf Personen Anwendung finden, die sich irgend einer Straftthat haben zu Schulden kommen lassen.

Die Auslieferung kann nur behufs der Untersuchung und Bestrafung der gemeinen strafbaren Handlungen erfolgen, welche im Artikel I dieses Vertrags aufgeführt sind.

VII. Der Antrag auf Auslieferung und auf deren nachträgliche Ausdehnung (Artikel VI, Absatz 1) erfolgt im diplomatischen Wege. Zu seiner Begründung ist beizubringen ein verurtheilendes Erkenntniss oder ein Beschluss auf Eröffnung des Hauptverfahrens oder eine die Voruntersuchung eröffnende Verfügung, ein Beschluss oder die Verfügung mit einem Haftbefehl verurtheilend oder auch ein Haftbefehl allein. Der Haftbefehl muss die Gründe enthalten und die darauf anwendbare strafgesetztliche Bestimmung angeben. Die vorbezeichneten Schriftstücke sind in Urschrift oder in beglaubigter Abschrift und zwar in denjenigen Form und Anzahl zu bringen, welche die Gesetzgebung des Staates, an den die Auslieferung nachgesucht wird, vorschreibt.

Bevor der Auslieferungsantrag auf diplomatischem Wege, kann die vorläufige Festnahme einer Person, deren nach diesem Vertrage beansprucht werden kann, inbracht werden.

Antrag unmittelbar zu stellen sind befugt:

ländischerseits die Untersuchungsrichter (Richter-Kommand die Beamten der Staatsanwaltschaft; erseits die Gerichte, einschliesslich der Untersuchungs-Beamten der Staatsanwaltschaft und die hierzu ermächtigten- und Sicherheitsbeamten.

er vorläufig Festgenommene (Artikel VIII) ist, falls seine aus einem anderen Grunde fortzudauern hat, wieder auf zu setzen, wenn nicht binnen zwanzig Tagen nach dem der Festnahme der Auslieferungsantrag unter Vorlegung der en Schriftstücke auf diplomatischem Wege gestellt

im Besitze des Auszuliefernden in Beschlag genommenen de sollen, wenn die zuständige Behörde des ersuchten Ausantwortung derselben angeordnet hat, dem ersuchen-übergeben werden.

Die Durchlieferung einer Person, welche von einer dritten an einen der vertragschliessenden Theile ausgeliefert ch das Gebiet des anderen Theiles, wird auf den im chen Wege zu stellenden Antrag bewilligt werden, betreffende Person dem um die Durchlieferung ersuchten at angehört und die strafbare Handlung, wegen deren die ng stattfindet, auch nach dem gegenwärtigen Vertrage die ng begründen würde. Mit dem Antrag ist ein den en des Artikels VII entsprechendes Schriftstück beizu- Die Durchlieferung erfolgt unter Begleitung von Beamten Durchlieferung ersuchten Theiles.

Wenn die Behörden eines der vertragschliessenden Theile Strafverfahren wegen nicht politischer Handlungen, die h die Gesetze des anderen Theiles mit Strafe bedroht ernehmung im Gebiete des anderen Theiles befindlicher er irgend eine andere Untersuchungshandlung für noth-achten, so wird ein entsprechendes Ersuchungsschreiben atischem Wege mitgetheilt und dem Ersuchen nach der Gesetzgebung des Landes, wo der Zeuge vernommen sonstige Untersuchungshandlung vorgenommen werden gegeben werden.

genden Fällen kann ein solches Ersuchen unmittelbar von tsbehörde des einen Theiles an die Gerichtsbehörde des heiles gerichtet werden.

Wenn die Behörden eines der vertragschliessenden Theile

7. LXXXIX.]

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in einem Strafverfahren wegen nicht politischer Handlungen auch durch die Gesetze des anderen Theiles mit Strafe bedroht sind, das persönliche Erscheinen eines Zeugen für nicht erwünscht erachten, so wird auf den im diplomatischen Antrage stehenden Antrag die Regierung des Landes, in welchem sich befindet, ihm von der an ihn ergehenden Ladung Absage geben. Erklärt sich der Zeuge bereit, der Ladung Folge zu leisten, so werden ihm die Kosten der Reise und des Aufenthalts nach den Tarifsätzen und Vorschriften des Landes, in welchem die Untersuchung erfolgen soll, bewilligt, sofern nicht die ersuchende Regierung eine höhere Entschädigung gewährt.

Dem Zeugen kann auf seinen Antrag durch die Regierung seines Wohnorts der Gesamtbetrag oder ein Theil der vorhergehenden Absätze bezeichneten Reisekosten bewilligt werden; diese Kosten werden demnächst von der ersuchenden Regierung zurückerstattet.

In keinem Falle darf ein Zeuge, gleichviel welcher Nationalität angehört, wenn er in Folge der in dem einen Lande erteilten Ladung freiwillig vor den Richtern des anderen Landes erscheint, daselbst auf Grund einer Beschuldigung oder Verurtheilung wegen früherer strafbarer Handlungen oder Vorwürfe der Mitschuld an den Handlungen, welche den Grund des Strafverfahrens bilden, in dem er als Zeuge in Untersuchung gezogen oder festgenommen werden.

XIV. Wenn die Behörden eines der vertragschliessenden Länder in einem Strafverfahren wegen nicht politischer Handlungen auch durch die Gesetze des anderen Theiles mit Strafe bedroht sind, die Zuführung von Personen, die sich in dessen Untersuchung- oder Strafhaft befinden und dort nicht in die Angehörigkeit besitzen, zum Zwecke einer Gegenüberstellung der Mittheilung von Beweisgegenständen oder Urkunden in die Hände der andererseits Behörden sind, für nicht erwünscht erachten, so wird ein entsprechender Antrag auf diplomatischem Wege gestellt und diesem Antrag unter Vorbehalt der Zurücklieferung der Personen, Beweisgegenstände und Urkunden stattgegeben werden, sofern nicht besondere Umstände entgegenstehen.

XV. Die vertragschliessenden Theile verzichten gegenseitig auf alle Ersatzansprüche wegen der Kosten, die ihnen in Folge der Überführung der Personen über die Grenzen ihres Gebiets aus der Festnahme, dem Unterhalt und der Beförderung der auszuliefernden Personen, aus der Beförderung der im Artikel XII vorgesehenen Ersuchungsschreiben, der Hin- und Rücksendung der gemäss Artikel XI ausgelieferten Personen oder mitzutheilenden Beweisgegenstände und Urkunden erwachsen.

Die Beförderung auf dem Seeweg erfolgen, so wird die Person nach dem Hafen gebracht werden, welchen der konsularische oder konsularische Vertreter des ersuchenden Staates bestimmt; diesem fallen die aus der Festhaltung, dem Transport und der Beförderung erwachsenden Kosten von dem Auszuliefernden an zur Last, wo der Auszuliefernde an Bord ge-

Die Kosten der Durchlieferung (Artikel XI) fallen dem ersuchenden Staate zur Last.

Die vertragschliessenden Theile werden sich gegenseitig die Urtheile und Verurtheilungen von Angehörigen des anderen Staates wegen strafbarer Handlungen jeder Art mit Ausnahme der Urtheile mittheilen. Diese Mittheilung wird durch die auf dem gewöhnlichen Wege zu bewirkende Uebersendung des Strafurtheils oder die Entscheidung auszugsweise enthaltenden Vermerks

Jeder der beiden Hohen vertragschliessenden Theile wird die Rechte und Begünstigungen, die er einem dritten Staate einräumt auf die Frage, wegen welcher strafbaren Handlungen die Auslieferung zu bewilligen ist, seit dem 1. September 1886 mittheilen hat oder in Zukunft einräumen sollte, dem anderen Staate mittheilen, so weit dieser im gleichem Falle die Auslieferung gewährt.

Die vertragschliessenden Theile werden sich gegenseitig die seit dem 1. September 1886 abgeschlossenen Verträge mittheilen, durch welche die einen Staaten Rechte und Befugnisse, die nach Absatz 1 den anderen Theile zu statten kommen sollen, eingeräumt haben oder sich auch in Zukunft alle Verträge dieser Art, sobald sie abgeschlossen sind, mittheilen. Sie werden sich gleichfalls die Mittheilung machen, wenn ein Vertrag, von dem hiernach die Auslieferung zu machen war, wieder ausser Kraft tritt.

Die Bestimmungen des gegenwärtigen Vertrags finden auf die Niederländischen Kolonien und auswärtigen Besitzungen Anwendung, dass, wo im Vertrage von den Niederlanden die Rede ist oder diese unter der Bezeichnung des ersuchten oder des ersuchenden Theiles, Staates oder Landes zu verstehen sind, die Inseln und Besitzungen darunter gleichfalls begriffen sein sollen, dass jedoch, dass:—

Die Auslieferung aus den Kolonien und Besitzungen nur dann beansprucht werden kann, als die dort vermutheten Personen innerhalb des Bereichs der daselbst bestehenden Behörden

Gesetze und Gesetzgebung, wo der Vertrag auf solche Gesetze und Gesetzgebung der betreffenden Kolonie Anwendung zu gelten haben;

3. Für die vorläufige Festhaltung an Stelle der im vorgesehenen zwanzigtägigen Frist eine Frist von d tritt.

Die Deutschen Schutzgebiete werden von diesem V berührt. Es bleibt vorbehalten, den Gegenstand für d besonders zu regeln.

XIX. Der gegenwärtige Vertrag wird ratifizirt werden drei Monate nach der Auswechselung der Ratifikation die sobald als möglich bewirkt werden wird, in Kraft t diesem Zeitpunkt ab verlieren die früher zwischen den l und einzelnen Staaten des Deutschen Reichs abg Verträge über die Auslieferung von Verbrechern ihre An deren Stelle tritt der gegenwärtige Vertrag, welche der beiden vertragschliessenden Theile aufgekündigt w jedoch nach erfolgter Aufkündigung noch sechs Mo Kraft bleibt.

Zu Urkund dessen haben die beiderseitigen Bevo den gegenwärtigen Vertrag unterzeichnet und mit d ihrer Siegel versehen.

Ausgefertigt in doppelter Urschrift in Berlin, den 3 1896.

(L.S.) D. A. W. VON TETS VON GO

(L.S.) MICHELET VON FRANTZIU

*LAW of the Netherlands, containing provisions relat
Excise Duty on Sugar.—The Hague, January 2*

(Translation.)

IN the name of Her Majesty Wilhelmina, by the g
Queen of the Netherlands, Princess of Orange Nassau,
We, Emma, Regent of the Kingdom;

Know all men by these presents:

Having taken into consideration that it is necessary
legal provisions relating to the excise duty on sugar;

Having consulted the Council of State and delibera
States-General;

We have sanctioned and approved the following Art

CHAPTER I.—*Amount of Excise Duty.*

ART. 1.—§ 1. An excise duty on sugar shall be l
following amounts:—

	Per 100 kilog.
	Fl. c.
ass	31 86
class	28 89
and lump sugar and all sugar not separately taxed ..	27 00
sugar—	
gher quality than 99 per cent.	27 00
ot higher quality than 99 per cent. for every per cent.	
quality, but not less than 18 fl.	0 27
l sugar the same as for raw sugar.	
, molasses, treacle, and other saccharine substances—	
ch contain more than 10 per cent. of permanent in-	
redients consisting chiefly of granular sugar, or which in	
fluid state have a higher quality than 50 per cent. ..	18 00
r qualities	6 00
sugar—	
granulated, and powder sugar, as also grated or other	
re-made sugar	18 00

For greater weights or lesser weights than 100 kilog. the
 ty shall be reckoned proportionately, with the under-
 that fractions of a kilogramme shall be reckoned as
 nes.

By the word "quality" in this Law shall be under-

For raw sugar and bastard sugar produced in this country,
 nt of polarization percentage, with a deduction of twice the
 ge of the quantity of glucose in the sugar, and of four
 e percentage of the quantity of ash remaining behind at
 ing of the sugar after the removal of the insoluble sub-

For foreign bastard sugar and for melado, molasses, treacle,
 r like saccharine substances, the amount of polarization
 ge.

ions of percentage of quality for sugar of not a higher
 han 99 per cent. are not taken into account.

her instructions relating to examination of quality shall be
 by us by general measures of administration.

2. Refuse molasses and treacle remaining after the manu-
 n this country of sugar from beet-root or of the refining of
 ar, and fulfilling the conditions to be appointed by us by
 administrative regulations, are not subject to excise duty.

CHAPTER II.—*Importation ; Tare.*

Art. 3. On importation from abroad, the description of **sugar** and saccharine substances shall be declared according to the distinction made in § 1 of Article 1.

The excise officials shall determine the weight, as also the **class** the quality, and the percentage of the amount of solid ingredients

Art. 4. If the importation is effected at other places than the places and offices to be specially assigned by us for that object, the sugar and saccharine substances mentioned in § 1, letters (c), (d) and (e) in Article 1, are liable to the highest excise duty for **ever** sort there set down.

Art. 5. The excise duty shall be paid immediately, except in the case of transit, bonding, &c.

Art. 6.—§ 1. On importation or removal from bonding warehouse, the net weight shall serve as the standard for reckoning the amount to be paid.

§ 2. The net weight of raw sugar, melado, molasses, or treacle conveyed in the packing hereafter mentioned shall be fixed by weighing it in bulk, and then applying the following tares:—

For raw sugar in wooden boxes and casks, 13 per cent.

For raw sugar in canisters, &c., 8 per cent.

For raw sugar in single sacks, &c., 1 per cent.

For raw sugar in double sacks, &c., 2 per cent.

For melado, molasses, or treacle in casks, 13 per cent.

Whenever the person interested expresses his wish to that effect in his declaration, the actual net weight of the sugar, &c., in these packings shall be determined.

Art. 7. Whenever, on the importation or taking out of bond or out of a beet-root sugar manufactory with payment of the excise duty, or with intent to bond with credit for the excise duty by traders (Chapter IV), it is evident that the sugar contains foreign ingredients in consequence of which the examination of the quality is made difficult, the sugar shall be considered to have a quality of 100 per cent., reserving an appeal of the persons interested to the Commission mentioned in Article 80, whose decision is final.

Art. 8. The sugar in every package must be of the same sort and of uniform quality.

If this is not the case, the excise duty must be paid on the whole quantity of sugar contained in the package at the rate of the highest taxed sugar contained in it, without prejudice to the penalty for violating the instruction in the preceding paragraph, if the higher taxed sugar is evidently packed or hidden in a fraudulent manner among the other sugar.

CHAPTER III.—*Bonding.*

Art. 9. The special bonding warehouse for refined sugar, as also for raw sugar placed in bond directly from sea-going vessels, shall be placed on the same footing as the public bonding warehouse, provided that the goods in bond are so placed and arranged that access to the storing places can be gained without the knowledge of the Excise Administration only by breaking in, and that these storing places are sanctioned by that Administration to profit by the privileges to be enjoyed in the bonding of sugar arising from the provisions of this Article.

Art. 10.—§ 1. The bonding of home-made sugar or of foreign sugar, melado, molasses, and treacle in smaller quantities than 50 kilog. is not allowed.

§ 2. The taking out of bond is not allowed in smaller quantities than—

(a.) 200 kilog. on payment of the excise duty, except in the case of the remaining portion of bonded goods, provided this is all taken away at once ;

(b.) 500 kilog. in other cases.

Art. 11. The transport of sugar or saccharine substances from a bonded warehouse to a foreign country, to another bonded warehouse, or to a beet-root sugar manufactory or refinery is effected under security for the excise duty.

The sugar or saccharine substance shall on its removal be put under seal or custody until the exportation or the bonding at its destination is completed.

CHAPTER IV.—*Traders in Raw Sugar.*

Art. 12. On his giving security, credit shall be granted to the trader for the excise duty on raw sugar which he receives from abroad in quantities of at least 500 kilog.

Art. 13. The trader, before taking in the sugar, shall give a written declaration to the receiver of excise duty at whose office it takes place that he wishes to be debited for the excise duty.

The receiver who issues the document, which shall be brought with the sugar, mentions therein the time for the transport to the trader's store-house. The taking in shall be considered to take place on the day when that time terminates.

Art. 14. A credit of two months for the excise duty of sugar taken in shall be given, beginning with the Monday next ensuing.

Art. 15. The account must be settled by the payment of the excise duty on or before the last day of the period mentioned.

CHAPTER V.—*Beet-root Sugar Manufactories.*

Art. 16.—§ 1. Every person carrying on a beet-root sugar factory shall within fourteen days of this Law coming into force deposit at the office of the receiver a signed declaration, giving the following particulars:

(a.) The name of the place where and the day on which the declaration was made;

(b.) The name and address of the manufacturer, or in the case of a Company, the names and addresses of the partners of the Company, the managers, and the name and address of the foreman of the factory;

(c.) The name of the manufactory and of the common water canal, &c., where it is situated, with the cadastral description of the site;

(d.) The buildings and yards which constitute the manufactory, their entrances, windows, and communication with other buildings;

§ 2. Together with the declaration shall be deposited a plan in outline in duplicate, on a scale of 1 to 100 of the actual manufactory, indicating the rooms and stoves for drying sugar, the receptacles for refuse sugar, all other premises, with the uses made of them; furthermore, all doors leading to the outside, windows, and other openings.

Art. 17. Before proceeding to the erection of a new beet-root sugar factory, the building plan and the site shall be submitted to the approval of the Minister of Finance, without prejudice to the provisions in other laws relating to the erection and arrangement of sugar manufactories.

Art. 18. Every person who, after this Law comes into force, erects a new manufactory, or takes over an existing manufactory, shall, at least fourteen days before the commencement of the work, hand in a declaration of the same kind as is prescribed in Article 16 for existing manufactories.

Art. 19. The manufacturer wishing to make an alteration in the declaration which he has made in accordance with Article 18, or in the outline, shall hand in a supplemental declaration or outline in the same way.

The sanction of the Minister of Finance is required for any alteration of what is mentioned under letter (d) of Article 16.

Art. 20. The principal entrance to the manufactory must be by a road, by which an unobstructed access to the manufactory is always to be depended on.

Art. 21. Buildings communicating with the manufactory directly or over an inclosed yard, are considered to belong to the manufactory.

Art. 22.—§ 1. The upper rooms or store places for drying

receptacles for refuse sugar, must be provided with a visible inscription in oil-paint, indicating the object for which they are used, and a consecutive number or letter running through all the places used for the same object.

The receptacles for refuse sugar must also be capable of being taken up, and be approved by the Inspector of Excise.

3. The turbines must be placed together in the same building, the works, reserving exceptions to be allowed by the Minister of Finance.

They must be so arranged that when not in use they can be taken up by the excise officers.

4.—§ 1. The Minister of Finance may require—

that in a place in the manufactory to be appointed by him according to his directions, a room, with a superficies of at least 100 metres, shall be fitted up, to be constantly and exclusively reserved for the disposal of the excise officers;

that at the exits and entrances, where regular observation is required, a watch-box shall be placed;

that windows or other openings to the outer air, on which, on account of their position, it is difficult to keep watch, shall, according to his instructions, be made capable of being duly closed, and provided with a metal grating.

The manufacturer must, at his own expense, comply with the above, and within one month of its being made to him, and take care that all is kept in proper condition.

5. Pipes, tubes, gutters, and pumps intended for running off sugar or treacle, and appliances for removing sugar, must be so constructed as to have no secret openings, nor openings coming outside the manufactory-buildings.

6. The right is reserved to allow, with the necessary safeguards against abuse, premises separated from one another by yards or by the public road, to be connected by passages, or otherwise, so as to constitute together a single beet-root manufactory.

7. The manufacturer shall deposit security for the excise on sugar which he is rateable to the State according to the provisions of the law.

The amount of this security shall be fixed by the Minister of Finance, and for each separate manufactory according to the extent of the business done.

When the business has increased, the security shall be proportionally augmented within one month after the notice of it has been given to the manufacturer, in default of which no sugar, &c., shall be allowed to pass out without immediate payment of the duty, or separate security being given.

Art. 28. If the manufacturer has not observed the *aforesaid* instructions, or his manufactory has not complied with them, the Director of Excise may seal up or disconnect some or all the machinery in that manufactory.

Art. 29.—§ 1. The manufacturer shall every year give notice in writing to the receiver, at least eight days beforehand, of the day when the pressing or drawing of sap from the beet-root will begin.

§ 2. If this beginning is made later than eight days after the day appointed, the manufacturer is liable to a fine of 5 fl. to the State for every day of further delay.

The Minister of Finance may, however, remit that fine if it is proved that the delay was not owing to the fault of the manufacturer.

Art. 30. The manufacturer must give notice to the excise officers before the turbines are set to work.

The same notice must be given when they resume work after having been stopped.

Art. 31. The manufacturer shall keep a register, in which he shall inscribe the net weight of the raw sugar obtained by the turbines or otherwise from the sap or the treacle.

Art. 32.—§ 1. The sugar mentioned in the preceding Article, until it has been weighed and entered in the register, shall be kept together, separate from the rest, at the place to be appointed by the Inspector in concert with the manufacturer.

If the sugar before being weighed has to be conveyed to such place by means of machinery, the Inspector may require that the machinery shall be so inclosed that no sugar can be secretly removed.

2. The weighing and entering shall be done in such quantities as the manufacturer approves of, but in every case and always when the turbines or any other machinery for obtaining sugar have ceased to work.

Art. 33. If sugar entered according to Article 31 has to be boiled again, the manufacturer shall give notice thereof beforehand to the excise officers.

Immediately after the boiling he shall make a note of it in the register *aforesaid*, mentioning the weight of the sugar so boiled.

Art. 34. The delivery of raw sugar from the manufactory shall be effected—

(a.) In quantities of at least 25 kilog. with payment of the excise duty;

(b.) With consent to export abroad in quantities of at least 100 kilog.; and

with permit to a refinery, to a bonding warehouse, or to a sugar manufactory, as mentioned in Article 66, in of not less than 500 kilog.

5. The Inspector, in concert with the manufacturer, shall the exit or exits from the manufactory through which sugar delivered.

which need not be opened may be closed up by the excise They shall be reopened as soon as they are wanted.

its only shall be left open between sunset and sunrise.

6.—§ 1. The manufacturer shall keep a register of the with payment of the excise duty.

delivery he shall write therein—

the date of the delivery ;

the description of sugar ;

the gross and net weight ;

the sort, the number, and the marks of the packages.

the sugar thus registered shall be set apart from all other, immediately deposited in the place that shall be indicated by the Inspector after consultation with the manufacturer.

7. The manufacturer shall have two months' credit for the duty on sugar delivered according to Article 36, to be dated Monday next following.

8.—§ 1. The document for the delivery of sugar according to Article 34 under letters (*b*) or (*c*) shall mention, in agreement with the notice given by the manufacturer, the destination, and shall contain the same particulars as those given under the letters (*b*), (*c*) or (*d*) of § 1 in Article 36.

The receiver who delivers the document shall determine the date within which the export or transit to the refinery, to the bonding warehouse, or the beet-root sugar manufactory must take place, also the time within which the document must be presented to his office, together with the certificate of the transit or delivery at its destination.

9. It is prohibited to declare the gross or net weight of the sugar higher or lower than it really is.

The difference of not more than 1 per cent. in the declared weight shall not be considered as a violation of the Law.

10.—§ 1. On delivery from the manufactory the sugar shall be examined by excise officers. They shall also take samples to determine the quality.

If on delivery with payment of the excise duty the sugar in the package is not of uniform quality, the whole package shall be taxed according to the highest rate for taxed sugar contained in it.

11. Sugar, having the destination mentioned in Article 34 under the letters (*b*) or (*c*), shall, immediately after the delivery,

be sealed or kept under guard until forwarded to and delivered the place of destination.

Art. 42. As to the sugar, for which the document for delivery not returned to the receiver's office within the time fixed, accompanied by the certificate mentioned in § 2 of Article 38, the excise duty shall be claimed immediately from the manufacturer.

In this case, irrespective of the quality of the sugar, the excise duty will be reckoned at 27 fl. per 100 kilog.

Art. 43.—§ 1. Notice shall be given beforehand to the excise officers of the delivery of manufactured molasses, with a return of the number of packages, the gross weight, and the time when the delivery will be effected. The molasses must be deposited, separate from all others, in a fixed place, to be determined by the Inspector in concert with the manufacturer.

§ 2. If the excise officers should have doubts of the sugar declared for delivery being manufactured molasses, they may prevent the delivery and keep it under their special supervision until certainty is attained on this point.

§ 3. The delivery shall be always effected in the presence of the excise officers.

Art. 44. The Minister of Finance may, in special cases, permit treacle or unmanufactured molasses, with the necessary reservations, to be conveyed to another beet-root sugar manufactory in this country.

Art. 45.—§ 1. The Inspector may order an inspection of the sugar in the manufactory in order to compare it with the quantity that ought to be there according to the entry in the register mentioned in Articles 31, 33, and 36, and the deliveries effected according to Article 34 under the letters (b) and (c).

§ 2. The quantity found in excess shall be officially entered in the register mentioned in Article 31.

§ 3. If the quantity should prove to be less, the excise duty shall be immediately claimed from the manufacturer, at the rate of 27 fl. per 100 kilog., reserving a margin of 3 per cent. of the total quantity found at the preceding survey and manufactured since that time.

CHAPTER VI.—*Refineries.*

Art. 46. The provisions of Article 16, and of those in Articles 22 and 24 and Article 27 respecting beet-root sugar manufacturers and manufactories, apply also to sugar refiners and refineries.

The Minister of Finance may allow deviations from the provisions in Article 22 to refineries established at the time when this Law comes into operation.

Art. 47. The utensils mentioned in this Article under the name

be placed together in the same part of the manu-

ans and boilers for melting raw sugar ;
ans and boilers for boiling treacle ;
urbines.

ter of Finance may allow exceptions.

d part of Article 23 applies to the turbines.

Provided he complies with Articles 46 and 47, the
store, for manufacturing purposes in his manufactory,
, molasses, and treacle, with credit for the excise duties.
ng shall be made :—

ugar. From foreign countries, from beet-root sugar
s in this country, and from bonding warehouses ;
melado, molasses, and treacle direct from foreign
bonding warehouses.

antities of at least 500 kilog.

At the time of storage the gross weight of the sugar
containing sugar shall be ascertained by excise officers,
ke samples.

these acts may be dispensed with if the weighing and
re taken place elsewhere, and the sugar or the sirup has
ously under seal or kept under guard since that time.

The refiner shall keep a register in which every lot
be entered immediately by him, mention being made
weight, ascertained by weighing in accordance with the
ond paragraphs of Article 49.

The refiner shall keep a register in which he shall enter
ght of the manufactured sugar.

ies shall be made separately—

loaf and lump sugar without distinction ;

candy ;

other refined sugar ;

bastard sugar.

Loaf and lump sugar shall be weighed and registered
come out of the ovens, candy and bastard sugar in
en they are emptied, and turbined sugar when it is
om the turbines.

ighing and registering shall be done at the place to
ed for that object by the Inspector after consultation with
. The provision in the second paragraph of § 1 in
is applicable to this case.

inister of Finance may, with the necessary precautions,
urbined sugar to be conveyed to receptacles that may be
ed up, and the weighing and registering to be done only
e receptacles are opened.

Loaf and lump sugar which are not put in ovens, and all sugar other than those mentioned above, shall be weighed and registered at the time and place to be appointed by the Minister aforesaid.

Art. 53. As regards sugar in loaves or pieces, which are of the usual form and weight, the refiner, with the consent of the Inspector may reckon the weight to be registered by the number of loaves or pieces and by the average weight of loaves or pieces which they have agreed on.

Art. 54. The weighing and registering shall be done for such quantities as the refiner shall approve, but in any case every time the work is stopped.

Art. 55. Whenever sugar entered in the register mentioned in Article 51 has to be boiled or turbinated over again, the refiner must give notice of the same beforehand to the excise officers. Immediately after the boiling or turbinating he must make a note in the register mentioning the weight of the sugar so treated.

Art. 56. Sweepings and such like refuse shall not be taken into account in the weighing and entering, according to Articles 51, 52, 53, and 54, but shall be collected and kept in a way to be decided upon by the Inspector in concert with the refiner, until they are boiled up again.

Art. 57. In candy manufactories, a sufficient quantity may, in the manner to be fixed by the Minister of Finance, be taken from the registered sugar to be fastened to the threads in the moulds to be filled.

Art. 58.—§ 1. Delivery of refined and bastard sugar from the refinery shall take place—

(a.) On payment of the excise duty in quantities of at least 10 kilog. of candy and of at least 25 kilog. of other sugar;

(b.) With destination for foreign countries in quantities of at least 100 kilog.;

(c.) With destination for a bonded warehouse in quantities of at least 500 kilog.

§ 2. The provisions of Articles 35, 36, 37, 39, and 40 apply to the deliveries according to letter (a) under § 1, on condition that the class of the candy is also determined by the excise officers.

§ 3. The provisions of Articles 35, 38, 39, 40, 41, and 42 apply to the deliveries according to letters (b) and (c) under § 1, on condition that in the case of Article 42 the excise duty on candy, regardless of class, shall be reckoned at 31·86 fl. per 100 kilog.

Art. 59. To the declaration for the delivery of sugar intended for export or bonding, the refiner shall add a list, with his signature, of the gross and net weight of each package.

Should it be proved that the weight of one or more packages has been given too high or too low, and the difference exceeds 2 per

the weight declared, the refiner will be considered not beyond the instructions of this Article.

30. The verification of the sugar to be transported may, at the request of the refiner, be made at the place where packed.

In that case if the sugar is not delivered immediately the weight will be kept by the excise officers under seal or custody until delivery.

31. Delivery of manufactured treacle may be effected only in the manner prescribed in Article 43.

62.—§ 1. The Director may give orders to examine the manufactured refined sugar in the refinery, in order to compare the quantity that ought to be there according to the entries in the registers mentioned in Article 51, Article 58, § 2, and in accordance with Article 36.

During the examination no sugar may be taken to or from the storerooms or receptacles for manufactured sugar, unless with the consent of the Inspector.

The examination and comparison shall take place separately—

For candy ;

For other refined sugar.

If a larger weight is found, the surplus shall be entered in the register officially.

If a deficit is found the excise duty for the same shall be proportionately claimed from the refiner, allowing a margin of 5 per cent. for bastard and 3 per cent. for other sugar ; both margins to be deducted from the aggregate quantity which, according to the register, was there at the beginning of the year and has been manufactured since that date.

The excise duty thus to be demanded shall always be paid—

For candy at 31·86 fl. per 100 kilog. ;

For other sugar at 27·00 fl. per 100 kilog.

63.—§ 1. In accordance with the instructions of the Minister of Finance, sugar sent back to the refiner on account of colour or some other such reason from abroad, may be stored in the refinery if the same quantity is delivered of equally taxed sugar of the same description.

The aforesaid Minister may, in exceptional cases and with necessary precautions for securing the excise duty, permit sugar or saccharine sirup, stored in accordance with Article 48 in the refinery, to be delivered again in its unmanufactured state.

64. The refiner, who in each of the years 1894 and 1895 has manufactured less than 200,000 kilog. of sugar, regardless of the quality, shall be entitled to a credit for the excise duty, if he expresses a wish to that effect in a declaration made according to Article 46, and as long as his

manufactory, as regards the buildings, has not been ex-
so far as the credit and the further conditions of this L
cerned, shall not be considered a refiner but a trader a
Chapter IV, upon the understanding that in calculating
duties on the raw sugar stored of no higher quality than 9
the quality shall be reduced by $1\frac{1}{2}$ per cent. for beet-root
by $2\frac{1}{2}$ per cent. for cane sugar.

The Minister of Finance, on conditions to be dr
himself, may allow the bill of credit to be settled on the
refined or bastard sugar. The discharge shall in no ca
than 95 per cent. of the amount that is due for sugar o
sort and quality delivered by a refinery working under su

Article 68, § 2, applies also to the refineries mentio
Article. The refiner is allowed to withdraw the req
treated on the footing of the first paragraph, if he conf
instructions for the transition to the new conditions, t
mined by the Minister of Finance.

CHAPTER VII.—*Manufactories; Refineries.*

Art. 65. If the beet-root sugar manufacturer wishes
refine the raw sugar in the manufactory, the same regula
to him and his manufactory in that case, in addition
visions of Chapter V, as apply to the refiners and r
Article 47 and in Articles 51 to 63 inclusive.

Article 28 is also applicable if the manufactory does n
to Article 47.

Art. 66. The manufacturing refiner, who refines
manufactured by himself in the same manufactory,
raw sugar, melado, molasses, or treacle for manufacture
manner as is allowed to the refiner in Article 48.

The stored sugar and sirup containing saccharine
ingredients must be kept separate in the manufactory fr
sugar or treacle, as long as they are not being manufactu

The provisions of Articles 49 and 50 are applicable to

The refined sugar obtained from stored raw sugar or
sirup, is placed on the same footing as the refined sug
from raw sugar manufactured in the manufactory i
reservation of the provisions in § 5 of Article 67.

CHAPTER VIII.—*Bounties.*

Article 67. At the termination of every working yea
is hereby to be understood the period from the 1st Sept
and including the 31st August of the following year,

owed to beet-root sugar manufacturers and sugar refiners
 amount which is kept according to Article 76, § 1.
 at drawback runs as follows:—

(A.)

For Beet-root Sugar Manufacturers.

the working Year.	For every 100 kilog. of Sugar according to the Account mentioned in Article 76, § 2 (a), delivered from their Manufactories.	For the Manufacturers at the Highest.
1.	2.	3.
	Fl. c.	Fl. c.
-98	2 50	2,500,000 00
-99	2 35	2,400,000 00
-1900	2 20	2,300,000 00
-01	2 05	2,200,000 00
-02	1 90	2,100,000 00
-03	1 75	2,000,000 00
-04	1 60	1,900,000 00
-05	1 45	1,800,000 00
-06	1 30	1,700,000 00
and succeeding years.		

(B.)

For Sugar Refiners.

the working Year.	For every 100 kilog. of Refined and Bastard Sugar which, according to the Reckoning in Article 76, § 2 (a), was Stored less than Delivered.	For the Refiners at the Highest.
4.	5.	6.
	Fl. c.	Fl. c.
-98	0 34	500,000 00
-99	0 31	450,000 00
-1900	0 28	400,000 00
-01	0 25	350,000 00
-02	0 22	300,000 00
-03	0 19	250,000 00
and succeeding years.		

When the drawback, reckoned according to column 2, for
 manufacturers amounts to more than the sum mentioned in
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column 3, the amount mentioned in column 2 shall be proportionately reduced. In the same manner the amount mentioned in column 4 will be reduced if the drawback, reckoned according to it for the refiners, should exceed the sum named in column 6.

§ 4. In calculating the drawback, according to § 2 (A) and § 3, 100 kilog. of sugar delivered of 98 per cent. or higher quality shall be reckoned as only 75 kilog.

§ 5. The manufacturer or refiner shall share in the drawback according to (A) for the sugar delivered, as shown by the account kept by him, conformably with Article 76, § 2 (a); according to (B) for the quantity of refined sugar and bastard sugar delivered, as shown by the account, according to Article 76, § 2 (b), but not for a larger quantity than the quantity of raw sugar which has been stored in the manufactory during the working year, and only in so far as it is shown that the stored sugar was not manufactured in the same manufactory. In applying this provision it is a matter of indifference whether the stored sugar is already manufactured and at what dates of the working year the storage and delivery took place.

In order to have a claim to these drawbacks the manufacturer or refiner, who also stores sugar, must conform, during the whole working year, to the instructions of the Minister of Finance, which are necessary to determine the quantity of sugar for which each drawback can be allowed.

§ 6. For the application of this Article candy, raw sugar, and bastard sugar are reduced to 100 per cent. This reduction is made at the rate of 27 fl. of the excise duties payable according to Article 1, § 1, for sugar of the same sort and quality.

§ 7. The amount to be allowed for drawback will be divided by the Minister of Finance among the claimants in conformity with the provisions of this Article.

The sum due to each will be entered to his credit in his account for excise duties mentioned in Article 76, § 1.

In the case when the credit of this account exceeds the debit, the difference shall be paid to the manufacturer or refiner from the produce of the excise duties in the year in which the drawback account is made up.

The Minister of Finance may appoint for this payment a different office from that to which the manufactory or the refinery belongs.

§ 8. According to regulations to be made by general measures of administration, a preliminary drawback may be allowed and payment made before the settlement of the amount of drawback in anticipation of such settlement.

CHAPTER IX.—*General Provisions.*

68.—§ 1. The beet-root sugar manufactories and refineries night and day be open to the uninterrupted inspection of the officers.

The excise officers shall have access at all times to all parts of the manufactory and to all buildings which, according to the law, are considered to belong to it. They shall not enter such buildings as are used exclusively for dwellings, unless with an order from the Inspector or from a higher official of the excise unless it is necessary because of some article hidden from observation.

69. The excise officers are authorized to search persons in a beet-root sugar manufactory or a refinery if they suspect them of taking away with them sugar or substances containing

70.—§ 1. The excise officers are also authorized to take possession of the machinery in the beet-root sugar manufactories and refineries, also to ascertain the quantity of sugar, treacle, and other substances there and to take samples of the same.

In a case for the infliction of a fine, the samples shall be taken in duplicate and be immediately sealed up. The manufacturer or refiner shall be invited to place his seal and signature close to the seal of the excise officer.

71. With reservation of the provision in the second paragraph of Article 46, the refuse sugar in the beet-root sugar manufactories as well as in the refineries may be kept only in the places approved of for the same, according to Article 22, § 2, of the same Law. It must be conveyed thither as soon as possible, and must be intended to boil it over again immediately.

72. It is prohibited to deliver sugar or saccharine liquid from a beet-root sugar manufactory or refinery in a manner not permitted by this Law for sugar or liquid of the same

73. The beet-root sugar manufacturer or refiner shall provide lighting in all parts of the manufactory or refinery where work is going on, and must provide the weighing apparatus and the other things required by the excise officers.

In default of this provision having been made the Inspector shall provide the same at the expense of the manufacturer or

74.—§ 1. The registers which the beet-root sugar manufacturer and refiners have to keep, according to this Law, will be free of charge by the administration of excise.

They shall be kept and filled in according to the instructions to be determined by the Minister of Finance.

§ 2. The manufacturer or refiner may have the registration performed in his name by persons indicated writing to the excise officers.

§ 3. The excise officers are authorized to inspect the all times, and to enter in them declarations of the res examination. Inaccuracies in the keeping of the regis this manner be corrected by them.

They shall not inflict any fine for too high or too low tion of weight if the difference does not exceed $\frac{1}{2}$ per c registered weight.

Art. 75.—§ 1. Every day, after work is over, the ex shall make from the registers referred to in the preced the extracts to be prescribed by the Minister of Finance.

If the work does not stop in the evening these extr made at the time to be determined for the same by the concert with the manufacturer or refiner.

§ 2. The extracts shall be signed by the excise presented to the manufacturer or refiner to be also handed over to the receiver. The provision in Article applies to such extracts.

Art. 76.—§ 1. At the office of the receiver an acco kept with every manufacturer and refiner of the excise he owes. In this account shall be placed in debi duties on the sugar delivered, irrespective of destina credit—

(a.) The excise duty which is paid, or which may be v account of the return of documents that have been clea

(b.) The amount of the drawback according to Artic

§ 2. At the same office an account shall be kept—

(a.) For every beet-root sugar manufactory, of the sugar, and of the delivered sugar; and

(b.) For every refinery, of the stored sugar, melado, treacle, of the manufactured refined sugar and bastard the delivered sugar.

Art. 77.—§ 1. All persons who wish to manufacture liable to excise duty, or who wish to extract sugar molasses, or treacle, or other saccharine substanc excise duty, elsewhere than in a beet-root sugar ma refinery indicated by this Law, shall give a notice in w receiver.

§ 2. If such a case should occur, the necessary pr be enacted by general measures of administration for levying the excise on such sugar.

manufactories of grape sugar, also for those for sugar from melado, molasses, treacle, or other saccharine the levying of the excise duties and the inspection will be upon the same principles as those for the beet-root factories and refineries.

The parties concerned may not begin the intended under these provisions are in operation.

In calculating the excise duty on candy, according to 1, the class shall be determined by samples of a standard by the Minister of Finance, who shall also give the instructions concerning the employment of these standard

The samples for determining the quality of sugar or substances shall be taken in accordance with the instructions of the Minister of Finance.

The determination of the quality shall be made by excise officers of the administration of excise, these officers to be appointed by the Minister of Finance.

The result shall be communicated as soon as possible to the interested parties.

—§ 1. The decision of differences of opinion between the interested parties and the excise officers respecting the quality, the class of sugar, and respecting the sort of saccharine shall be intrusted to a Commission of chemical experts to be appointed by the Minister of Finance, in their sittings at Amsterdam.

The Commission shall consist of three members, one of whom, appointed by the Minister of Finance, one by the Arrondissement Court at Amsterdam, and one by the Arrondissement Court at Rotterdam.

Their appointment holds good for two years, after which they may be reappointed.

The authorities appointing them may dismiss them for valid reasons, and also fill up the vacancies.

In the same manner two substitutes shall be appointed for each member, to take their places in case of illness or other

reasons. Remuneration shall be allowed to each of the two members appointed by the Minister of Finance.

The members and their substitutes shall take an oath or promise, in the presence of the President of the Arrondissement Court to which their domicile belongs, that they will, in all referred to their decision, give a decision in good faith and to the best of their judgment, in fulfilment of the regulations of the law.

In case of a reappointment of the same person on the

expiration of the period fixed in § 1, no fresh oath or promise required.

§ 4. The Commission shall meet on the invitation of the President as often as is necessary to decide all differences between the interested parties and the excise officers as soon as possible.

Should a member be absent and no substitute for him available, an expert, chosen by the President, shall take his place who, before entering on his duties, shall take the oath or make the promise mentioned in § 3 before the President.

§ 5. The sentences of the Commission shall follow the majority of votes.

If concerning the quality there should be no majority, of the three qualities, that which lies between the highest and the lowest shall be considered the quality in dispute.

Art. 81.—§ 1. If an interested party is not satisfied with the quality decided upon according to Article 79, he shall give notice in writing of that dissatisfaction within two days, not counting Sunday after receiving the communication prescribed in that Article, to the Inspector of the place where the samples were taken. And this latter shall then send sealed samples to the Commission of Analysts.

He shall send similar samples to that Commission in the case of a difference of opinion respecting the sort or class of sugar or saccharine substance, when the interested party is not satisfied with the result of the second examination according to Article 150 of the General Law of the 26th August, 1822.

§ 2. The Commission shall send their decision as soon as possible to the Inspector and the interested party.

§ 3. If this decision is not more advantageous to the interested party than that against which he appealed, he shall pay an indemnity to the State to the amount of 10 fl.

Art. 82. The Inspector, at the request of the interested party, may allow sugar or saccharine substances to be stored, delivered, or sent off while awaiting the decision respecting the sort, class, or quality, after sealed samples have been taken by both parties, and, if necessary, special security has been taken for the excise duty.

Art. 83. The right is reserved to allow by general measures of administration, under the necessary precautions, the return of the excise duty on sugar used in the preparation of chocolate, condensed milk, and articles of consumption which are sent abroad. The return shall in no case exceed the excise duty on the sugar which, as appears from the composition of the articles, has been used in the preparation.

Art. 84. The right is also reserved to decide, by general measures of administration, that on the export or transit of sugar

goods coming under this Law, either in general or in cases, exemption from excise duty shall not be granted unless prescribed is established that the goods have arrived in view of their destination.

5.—§ 1. The provisions of this Law respecting beet-root manufacturers, refiners, and other persons also apply to companies and to associations recognized by law.

When notices, the invitations, or the delivery of documents to the interested party done in the execution of the provisions of this Law, shall be given in his absence to his representative, his foreman, or to any person who is present in his name or on his behalf.

6.—§ 1. No costs shall be claimed from parties interested in weighing or examining sugar or saccharine substances, except those mentioned in Article 152 of the General Law of the 26th August, 1822, as also in the cases mentioned in Article 81, of this Law.

The importer, beet-root sugar manufacturer, refiner, or other interested party is, however, bound to supply workmen for the weighing and examining of the goods, also, if necessary, receptacles to move the goods or to pack them.

If persons do not fulfil this obligation the excise officer shall provide all that is required at the cost of those persons.

7.—§ 1. The special provisions concerning the conveyance and depositing of goods subject to excise duty enacted in Articles 166 to 169 inclusive, 177, 178, 185 to 189 inclusive, 205 to 209 inclusive, and 219 of the General Law of the 26th August, 1822, shall also be declared applicable to sugar on the territory under supervision along the frontier, both by land and sea, described in the foresaid Article 177, with this understanding, that every quantity exceeding 3 kilog., according to Article 166 and Article 167, § 2 must be covered by a permit, and that the quantity according to Article 185, § 4 should be present, not covered by a permit for every member of the household shall be fixed at 1 kilog.

In the portions of the above-mentioned territory under supervision on the land side, to be indicated in general measures of supervision, the quantity of sugar which, according to § 1, may be carried without a permit, shall be limited to 1 kilog., and the quantity of candy in the possession of individuals without a permit shall be at the most a $\frac{1}{2}$ kilog. per head or member of a household. Children under the age of 16 may not carry any candy in those portions, however small the quantity, unless they are provided with a permit.

It is also reserved, should it prove necessary, to prevent

secret importation, and to extend the regulations concerning the conveyance and storage of sugar on the territory described in Article 177 aforesaid to such parts of the territory on the land side as are described in Article 162 of the General Law.

The shopkeepers and dealers in sugar, whose premises are thereby subject to supervision, are bound, within a fortnight of the measure coming into operation, to send in to the receiver an account in writing of those premises, giving the situation and the measurements of the site. Of premises taken later on a similar notice must be given within a fortnight.

Art. 88.—§ 1. The following amendments shall be introduced in the tariff of import duties—

(a.) The item treacle, as it is described in the revised Table of Article 40 of the Law of the 2nd June, 1865, enacted by Article of the Law of the 15th August, 1862, shall be omitted;

(b.) Common block or piece sugar, and other kinds not included under Article 1, § 1, letter (f), also caramel, are subject to an import duty of 6 fl. per 100 kilog.

§ 2. Among the provisions for preventing abuses, to be enacted by general measures of administration, exemption from excise duty shall be granted for molasses and other saccharine juices which are imported for distillation in this country.

Art. 89. The right is reserved to regulate, by general measures of administration, the import duties on biscuits and other articles containing sugar, in proportion to the excise duties on the sugar contained in the same.

CHAPTER X.—*Penalties.*

Art. 90. The offences hereinafter mentioned shall be punished as follows:—

§ 1. The false declaration of the sort of stored sugar, saccharine substances, or other kinds of goods mentioned in Article 1, § 1, at variance with Article 3, or the storing of sugar hidden or packed in a fraudulent way among sugar that is taxed at a lower rate, at variance with Article 8, shall be punished by a fine against the offender of ten times the sum of the excise duties, reckoned for the whole quantity contained in the packages, with a minimum of 25 fl., and forfeiture of the stored goods.

§ 2. Beginning the working of a beet-root sugar manufactory, or sugar refinery, the notice for which, prescribed in Articles 16, 18, or 46, has not been given, with a fine against the manufacturer or refiner of at least 500 fl., and not exceeding 2,000 fl., and forfeiture of the machinery in use, and also of the sugar and saccharine substances on the premises.

ing in the declaration mentioned in § 2 of this Article, not strictly correct, by a fine against the person who made a declaration of not less than 50 fl., and not exceeding 500 fl.

the existence of a secret communication between a beet-manufactory or refinery and other premises, of secret pipes, tubes, &c., pumps or receptacles, as mentioned in Article 43, § 1, by a fine against the manufacturer or refiner not less than 100 fl., and not exceeding 2,000 fl.

the presence of a greater difference than that of 1 per cent. in the weight of a quantity of sugar declared for delivery from a beet-root sugar manufactory or refinery, by a fine against the manufacturer or refiner of five times the amount of the excise difference found, if this is less than 5 per cent., and of ten times that sum if the difference is greater. The minimum fine shall be 25 fl.

the depositing for delivery molasses or treacle, not being refuse, in violation of Article 43, § 1, or Article 61, by a fine against the depositor of 1 fl. per kilog. of molasses or treacle. In no case shall the fine be less than 100 fl.

the delivery from a beet-root sugar manufactory or refinery of saccharine juice, at variance with Article 72, by a fine against the manufacturer or refiner to the amount of ten times the value of the goods delivered; that on the juice to be reckoned at 100 kilog. The fine in no case to be less than 100 fl., and the forfeiture of the goods.

the time of the commission of the offence five years had elapsed since a former sentence, the fine shall be at least 100 fl.

the provisions of this paragraph do not apply to the delivery of molasses or refuse treacle.

the presence in a damaged condition of one or more seals in iron or lead, placed according to this Law, or for a purpose other than the same, by the excise officers on machinery or other premises of beet-root sugar manufactories or refineries, by a fine against the manufacturer or refiner of at least 100 fl., and not exceeding 2,000 fl.

the preparation of grape sugar subject to excise duty, as the preparation of sugar subject to excise duty from melado, or treacle, without having made the declaration prescribed in Article 77, § 1, by a fine against the manufacturer to the amount of 500 fl., and not exceeding 2,000 fl., and also the forfeiture of the machinery found illegally in use, and of the sugar and molasses substances on the premises. If the declaration was made before the work had begun before the documents mentioned in

Article 77, § 2, were issued, the fine shall be at least 100 exceed 500 fl.

§ 10. The infraction of any of the general measures of taxation, issued in accordance with Article 77, § 2, or the doing of what is prescribed in those measures, by a fine against the manufacturer of at least 50 fl., and not exceeding 500 fl.

§ 11. For not complying with the instructions in Article 29, § 1, Articles 30, 31, 32, 33, 36, 43, 50, 51, 54, 55, 56 § 2 and § 3, in so far as these paragraphs apply to entries in the Article 59, Article 61, Article 62, § 1, second part, Article 63, part, Article 71, Article 74, § 1, second part, or Article 75, part, a fine of at least 50 fl., and not exceeding 500 fl., re provision of § 6 of this Article.

§ 12. For not sending in by a shopkeeper or dealer the goods of premises prescribed in Article 87, § 3, a fine against the keeper, &c., of at least 10 fl., and not exceeding 100 fl.

Art. 91. The offences punishable according to the provisions of this Law shall be considered as misdemeanours, except in the application of Articles 56 and 57 of the Code of Criminal Law, the place of which shall be applied the provisions in the second paragraphs of Article 62 of that Code.

The provisions now in force with reference to import duties, in cases of non-payment of fines and law expenses, shall remain in force in the application of this Law.

Art. 92. The casks, cases, sacks, and other articles which contain the goods forfeited according to Article 90 are included in the forfeiture. If the forfeited goods are contained in boilers, utensils, the person fined has to furnish casks, cases, &c., in which the forfeited goods may be removed.

Art. 93. Forfeited machinery must be delivered up by the owner, or the person fined within eight days after the judicial sentence. If the owner does not comply with this provision, proceedings may be taken against him, and risk by the administration of excise for breaking up the machinery.

Art. 94. If a penalty has been pronounced against a sugar manufacturer or refiner for illegal delivery of a saccharine substance (not including refuse molasses or treacle), by an exit otherwise than that authorized by the law, he shall, regardless of his having fulfilled the provisions of this Law, be subjected to the following provisions:—

(a.) The exit or opening through which the illegal substance has been made must be closed within the time to be determined by the Minister of Finance, and in conformity with his directions, if the manufacturer or refiner does not

y of the manufactory or refinery shall be sealed up by
s;
n loaf sugar, lump sugar, or candy is made, the
r or refiner is bound to keep a register for entering the
oulds filled with treacle for making it, and the number
oulds for candy which are placed in each oven, in both
ormity with the instructions of the Minister of Finance.
these instructions is punishable according to Article 90,

CHAPTER XI.—*Temporary Provisions.*

The debit of the accounts with beet-root sugar manu-
d refiners, for credit for fixed periods for excise duty on
ing open when this Law comes into operation, shall,
e following provisions, be cleared off by the payment of
r before the last day of the period.

—§ 1. The beet-root sugar manufacturer, who is assessed
1896-97, according to Article 1, letter (b), of the Law
uly, 1867, and the refiner, who is not working under the
nspection mentioned in Article 4 of the Law of the
880; may have a drawback on the account mentioned in
t the rate of 27 fl. per 100 kilog. on the quantity of dry
sugar, represented by the sugars and saccharine substances
factory or refinery at the time when this Law comes into

quantity of dry white loaf sugar is greater than that which,
the preceding paragraph, can be allowed in drawback, a
sugar equivalent to that excess may be delivered from
ctory or refinery without payment of excise duty.

provisions of § 1 are applicable only when the
er or refiner—

sent in the declaration of the manufactory directed in
or the declaration of the refinery directed in Article 46,
day of August, 1897 ;

s given a daily return to the officers in charge of the
of the manufactory from the 15th to the last day of
97, both inclusive, of the sugars and saccharine sub-
sent in the manufactory or refinery.

sent in to the receiver on the last day of August, 1897,
o'clock P.M., a signed declaration of the sugars and
substances in the manufactory or refinery, mentioning
and of the quantity of dry white loaf sugar represented
gars and substances.

urns, mentioned under letter (b), and the declaration,

mentioned under letter (c), shall be drawn up according to forms and instructions to be issued by the Minister of Finance.

§ 3. The reduction to dry white loaf sugar for the same purposes, according to § 2, letter (c), shall be made as follows:—

(a.) For other refined sugar, for bastard, and for treacle, at the rate of an excise duty of 27 fl. to the amount of the duty on delivery of sugar of the same sort and quality;

(b.) For melado, molasses, or treacle still manufactured, at the rate of an excise duty of 27 fl. to the amount of the duty on the importation of liquids of the same sort and quality;

(c.) For saccharine substances in course of being manufactured, at the rate of the quality of dry white loaf sugar at 100 per cent. that of the liquid, according to the provision of Article 100 of the 20th July, 1884.

Refuse molasses and refuse treacle are not taken into account. No dry white sugar, however, may be included in the same category as mentioned in § 2, letter (c), of this Article.

Art. 97. The Director may have the sugar and saccharine substances in the manufactory or refinery which have been examined according to § 2, letter (c), of the preceding Article examined by excise officers, and, if necessary, require the work of the manufactory or refinery to be stopped for a time for that purpose.

This inspection may not begin later than the 1st January, 1897.

Art. 98. In the case of a difference of opinion about the quality of dry white loaf sugar, represented by the sugar and saccharine substances in the manufactory or refinery, the question shall be decided by the Commission, mentioned in Article 80, g, which shall take samples, to be taken by the excise officers, and by the manufacturer of the sugar, &c.

The provision in Article 70, § 2, of this Law applies to the samples.

The weight of the sugar in moulds, and of the loaf sugar in the pans and pots of candy in the manufactory or refinery shall be determined according to the number and the average weight of a sample of the same sort and weight chosen by the excise officers.

Art. 99. The manufacturer or refiner giving too high a statement of the quantity of dry white loaf sugar represented by the sugar or saccharine substances in the manufactory or refinery shall be liable to a fine with a fine of 3 fl. per kilog. of the excess contained in the statement.

Differences are not taken into account if they do not exceed

(a.) 2 per cent. for raw and refined sugars;

(b.) 5 per cent. for the sugars and treacles in

may

er cent. for the melado, molasses, and treacle not in manufacture.

margins shall be reckoned upon the quantities of loaf sugar, according to the declaration.

. The stock of stored sugar, melado, molasses, and treacle which is not yet being manufactured shall be booked as the first item in the register mentioned in Article 50; the stock of refined sugar as the first item in the register mentioned in Article 51.

Stock of refuse sugar present in the beet-root sugar refinery shall be entered in the register mentioned in Article 51.

. Delivery of sugar without payment of the excise duty according to Article 96, § 1, second paragraph, shall take place one month after this Law comes into operation, and also in conformity with the provisions of Article 34, letter (a), Article 39, Article 40, § 1, and Article 58, § 1, letter (a), of the Law of the 25th May, 1897.

Manufacturer or refiner shall mention in the entering of the register of deliveries that exemption from excise duty is claimed for them.

2. If at the inspection of the stock in a refinery, with reference to the work according to Article 97, there should not be a deficit liable to a fine, the refiner shall receive an allowance from the Treasury for every day of that stoppage of the work (of a day being reckoned as a whole day) to the amount of 100 kilog. of dry white loaf sugar of his average daily production from the 1st September, 1896.

3. For candy manufactories, working under the system of manufacture mentioned in Article 4 of the Law of the 25th May, 1897, sugar, melado, molasses, and treacle in the manufactory shall be entered as the first item in the register mentioned in Article 50; and the refined and bastard sugar as the first item in the register mentioned in Article 51.

Final Provisions.

4. This Law may be referred to under the title "Sugar Law of 1897."

This Law shall come into operation on the 1st September, 1897, with the exception of Articles 91, 96, and 99, which shall come into operation on the 1st day of August, 1897.

Repealed laws of the 2nd June, 1865; 15th September, 1866; 1867; 28th June, 1868; 19th June, 1871; 25th May, 1884; 20th July, 1884; 29th August, 1886; the

Articles 1 to 9, both inclusive, and Articles 15, 16, and 17 of the Law of the 11th January, 1894; the Laws of the 31st December 1894, and the 12th January, 1895, are abrogated, with reservation of their application as far as relates to excise duty to be paid before the 1st September, 1897.

We order and direct that this Law shall be inserted in the "Staatsblad," and that all Ministerial Departments, authorities, Boards, and civil functionaries whom it concerns shall co-operate to the exact carrying out of the same.

Given at the Hague, 29th January, 1897.

EMMA

SRENGER VAN EYK, *Minister of Finance.*

CORRESPONDENCE respecting the Proposals on Currency made by the Special Envoys from the United States.—July-October, 1897.

No. 1.—Foreign Office to Treasury.

SIR,

Foreign Office, July 27, 1897.

I AM directed by the Marquess of Salisbury to inform you that a meeting took place at the Foreign Office on the 15th instant, which was attended by his Lordship, Mr. Balfour, Sir M. Hicks-Beach, Lord George Hamilton, the French Ambassador, the French Minister (M. Geoffray), the American Ambassador, and Messrs. Wolcott, Paine, and Stevenson.

The following proposals were made by Senator Wolcott:—

1. The opening of the Indian mints, and the repeal of the order making the sovereign legal tender in India.

2. The placing of one-fifth of the bullion in the Issue Department of the Bank of England in silver.

3. (a.)—The raising of the legal tender limit of silver to, say, 10*l.*;

(b.) The issue of 20*s.* notes based on silver which shall be legal tender;

(c.) The retirement, gradual and otherwise, of the 10*s.* gold pieces, and substitution of paper based on silver.

4. An agreement to coin annually *l.* of silver.

Present silver coinage average for five years about 1,000,000*l.*, less annual withdrawal of worn and defaced coin for recoinage about 350,000*l.*

Alternative Proposal.—4. Agreement to purchase each year *l.* in silver at coinage value.

5. The opening of English mints to the coinage of rupees and of

lar, which shall be full tender in Straits Settlements and standard Colonies, and tender in United Kingdom to the legal tender.

by the Colonies and coinage of silver in Egypt.
thing having the general scope of the Huskisson plan.

I am, &c.,

GEORGE N. CURZON.

No. 2.—Treasury to India Office.

Treasury Chambers, August 2, 1897.

directed by the Lords Commissioners of Her Majesty's request you to lay before the Secretary of State for Council the inclosed copy of a letter, dated the 27th ultimo,* been received from the Foreign Office, embodying the proposals which have been made to Her Majesty's by the Special Envoys from the United States, and reported by the Ambassador of France.

be seen that among the proposals is one for reopening mints to the free coinage of silver, and the repeal of the the sovereign legal tender in India. My Lords regard most important of the proposals which they are invited

The question which it raises involves serious issues in, before expressing any opinion on it themselves, they d to learn the views of the Secretary of State and of ment of India.

I have, &c.,

E. W. HAMILTON.

No. 3.—Foreign Office to Treasury.

Foreign Office, August 5, 1897.

reference to the letter from this Department of the, I am directed by the Marquess of Salisbury to transmit o be laid before the Lords Commissioners of Her Treasury, copies of printed Memoranda of the meetings Foreign Office on the 12th and 15th July, at which the voys of the United States submitted the proposals of nment with regard to currency.

Salisbury would be glad to be favoured with the views of Commissioners upon these proposals.

I am, &c.,

F. H. VILLIERS.

* No. 1, page 526.

(Inclosure 1.)—*Memorandum of a Meeting held at the Foreign Office on Monday, July 12, 1897.*

Present :

The Marquess of Salisbury, Her Majesty's Prime Minister and Secretary of State for Foreign Affairs.

The Right Honourable Lord George Hamilton, Secretary of State for India.

The Right Honourable Arthur James Balfour, First Lord of the Treasury.

The Right Honourable Sir Michael Hicks-Beach, Chancellor of the Exchequer.

His Excellency the Honourable John Hay, Ambassador Extraordinary and Plenipotentiary of the United States.

The Honourable Edward O. Wolcott, General Charles J. Paine, and the Honourable Adlai E. Stevenson, Envoys of the United States on Special Mission.

LORD SALISBURY invited a statement from the Representatives of the United States as to the nature of their mission, whereupon Mr. Wolcott, on behalf of the Special Envoys, recited the essential provisions of the law under which he and his colleagues had been appointed, and explained the object of their mission. He said also, in substance, that the Special Envoys had determined that it was important to ascertain, as definitely as possible, in advance of an International Bimetallic Conference, if one should be called, the views of the Governments which might participate therein, and the extent to which they would contribute to bring about a favourable result of such Conference.

Mr. Wolcott explained that the Special Envoys had determined, in the first instance, to ascertain the views of the French, English, and German Governments on the question of reaching an international agreement respecting bimetallism. This determination was based upon the Resolutions heretofore passed by the English House of Commons on the 17th March, 1896, by the Prussian Landtag and Herrenhaus on the 16th and 21st May, 1896, and upon the Resolution proposed in the French Chamber of Deputies by M. Méline, on the 17th March, 1897, and signed by 347 of his colleagues, all of which Resolutions Mr. Wolcott read.

Mr. Wolcott said that the Special Envoys had proceeded first to France, and that they had reached a complete and satisfactory preliminary understanding with the Government of that country; that in the negotiations to be carried on in England, the Special Envoys believed they would have the full co-operation of the Ambassador of the French Republic in London, his Excellency,

Courcel; that the French Ambassador was, for the absent from England, and that the Special Envoys of the States would have asked a postponement of the meeting, had it not been for the fact that the French Ambassador had requested to proceed with the meeting in his absence.

Mr. Wolcott then presented some reasons which, in the opinion of the Special Envoys, rendered it desirable that some international agreement for the restoration of bimetallism should be reached, and why, in their opinion, the success of this effort depended upon the attitude which England would take regarding the same.

He then stated that the Special Envoys requested England should agree to open English mints as its condition for an attempt to restore bimetallism by international agreement, and dwelt upon the importance of the fact that France and the United States were together engaged in an attempt to reach such an agreement, and were co-operating together to

reach it. Lord Salisbury desired to know if the French Government would operate upon the basis of opening their mints to the free coinage of silver. Mr. Wolcott answered in the affirmative. Lord Salisbury then asked at what ratio, and was answered by Mr. Wolcott that the French Government preferred a ratio of $15\frac{1}{2}$ to 1, and that the United States were inclined to accept this point and accept this as a proper ratio. Considerable discussion on the question of the ratio and the method by which it should be settled then took place, the Special Envoys taking the view that the countries which opened their mints should determine the ratio. The Chancellor of the Exchequer suggested that if Indian mints were to be opened, England should be interested in the ratio; but the Special Envoys declined to this view, and called attention to the fact that by opening Indian mints the English Government did not thereby establish bimetallism in any form.

The Chancellor then suggested that further proceedings should be deferred until the French Ambassador might be also present. The Chancellor of the Exchequer, in further conversation, said that the suggestion of opening the English mints was to be made, and that an answer in the negative would undoubtedly be given. The Lord of the Treasury asked whether, assuming this request for opening English mints to be refused, it was desired that the matter be discussed upon the basis of something different and less than the opening of English mints.

It was then agreed that in the absence of the French Ambassador, anything said should be considered as said informally, and the session then took place as to the concessions that England

might make towards an international solution of the question, it should refuse to open English mints.

Mr. Wolcott, for the Special Envoys, presented the following a list of contributions which, among others, England might make towards bimetallism if an international agreement could be effected:—

1. Opening of the Indian mints.

Repeal of the order making the sovereign legal tender in India.

2. Placing one-fifth of the bullion in the Issue Department of the Bank of England in silver.

3.—(a.) Raising the legal tender limit of silver to, say, 10*l.* ;

(b.) Issuing the 20*s.* notes based on silver, which shall be full tender ;

(c.) Retirement, gradual or otherwise, of the 10*s.* gold pieces and substitution of paper based on silver.

4. Agreement to coin annually 1,000,000*l.* of silver [present silver coinage average for five years about 1,000,000*l.*, less annual withdrawal of worn and defaced coin for recoinage, 350,000*l.*].

5. Opening of English mints to coinage of rupees, and to coinage of British dollar, which shall be full tender in Straits Settlements and other silver standard Colonies, and tender in the United Kingdom to the limit of silver legal tender.

6. Colonial action, and coinage of silver in Egypt.

7. Something having the general scope of the Huskisson plan.

Some general conversation followed in regard to the preceding suggestions, and the interview terminated, to be resumed on the 15th July, 1897, when it was understood that the French Ambassador would also be present.

(Inclosure 2.)—*Memorandum of a Meeting held at the Foreign Office on Thursday, July 15, 1897.*

Present :

The Marquess of Salisbury, Her Majesty's Prime Minister and Secretary of State for Foreign Affairs.

The Right Honourable Lord George Hamilton, Secretary of State for India.

The Right Honourable Arthur James Balfour, First Lord of the Treasury.

The Right Honourable Sir Michael Hicks-Beach, Chancellor of the Exchequer.

His Excellency the Baron de Courcel, Ambassador of the French Republic.

M. L. Geoffray, French Minister Plenipotentiary.

Excellency the Honourable John Hay, Ambassador Extra-
and Plenipotentiary of the United States.
Honourable Edward O. Wolcott, General Charles J. Paine,
Honourable Adlai Stevenson, Envoys of the United States
Mission.

French Ambassador was invited to declare the position of
French Government upon the question under consideration, and
substance the following:—

For Wolcott having asked me to state precisely the point of
the French Government in the question which engages us, I
tempt—despite my slight personal competence—to make
considerations which have led my Government to associate
the actual negotiation.

Would first of all recall the fact that the French monetary
system as it was established at the end of the last century and at
beginning of the present century, is based upon the simultaneous
use of gold and silver, of which the legal ratio has been
15½. This ratio has not been arbitrarily conceived. The
great scientific worth, who recommended it to the adoption
of the Legislative Power, had made long and careful preliminary
calculations, and they reached the conclusion that the figure of
15½ represented the average, and in some degree, normal and
constant ratio of the value of the two precious metals, such as resulted
from universal use from an early period, that is to say, almost since
the beginning of the discovery of America and the great economic
revolution of the sixteenth century.

The legal system established in France upon this basis has
remained for a long time in a manner fully satisfactory to the French
Government. But for about twenty years this system has been disturbed
by recent causes which I will not undertake to enumerate here,
but I should be afraid of doing it in an incomplete or
unintelligently exact manner.

One of these causes is doubtless the superabundant production
of silver. However that may be, a disturbance has been produced,
and the normal ratio of the value of gold and silver has been put
out of action, and there has resulted therefrom an unrest almost
universal. This unrest has been more or less profoundly felt by the
great nations. Perhaps England is less sensitive thereto than
France; but I am persuaded that she does not escape it,
especially if the position of the British Empire in its entirety is
considered—with all its dependencies—notably that very consider-
able dependency, India.

Even in England it is incontestable that the agricultural classes
are suffering from the depreciation of silver, and that more and more

numerous voices demand that a remedy be applied to a monetary situation actually inadequate.

In France we have been led to fight the evil by the closing our mints to the silver metal, that is to say, by the temporary suspension of the coinage of silver. But this measure is only palliative, and it is itself the symptom of a disturbed situation. To cease, in fact, to coin a money of which we do not cease to have need, and which has preserved its entire legal value. This paradox naturally does harm; our population, notably the agricultural population, finds that it has not at its disposition sufficient resources in currency, in metallic money. On the other hand, if the Government in the actual state of affairs reopens the mints to the free coinage of silver, we would be flooded by the abundance of the metal coming from all other countries of the world, and we could not resist the even greater evil of the inevitable depreciation of one of our precious metals, that is to say, of the effective destruction of the legal ratio upon which our monetary system is based.

We are persuaded that the state of affairs which has caused among us this very disadvantageous perturbation is in itself a temporary remedial phenomenon, and that it is only a question of remedying it by temporary measures, which will permit us to attain the epoch of a re-establishment of a normal exchange. In other words, we think that the production of silver, more active in certain quarters of the globe in the last quarter of a century, is not of itself considerable enough to change in an enduring manner the normal ratio between gold and silver after these two metals will have been scattered over the entire surface of the world among all nations who are called upon to absorb them.

There is, then, in our eyes, a need which is perhaps transitory, but which is actually common to all the commercial nations of taking measures adequate for assuring, by a common understanding, the re-establishment of the normal ratio of $15\frac{1}{2}$ between silver and gold.

If measures of this kind should be adopted by all the commercial nations, we would be able to reopen our mints to the free coinage of silver without fear of being submerged by an excessive influx of this metal.

The reopening of the mints of all the commercial countries to the free coinage of silver in the ratio of $15\frac{1}{2}$ with gold would be the most natural and the most efficacious means of arriving at the result sought for. This is the desideratum which I am instructed to bring forward here, and which I am particularly to urge upon the English Government as a primordial condition of the success of the common understanding.

Government of the Queen, even in consenting to reopen in India, should refuse to adopt the same measure for at least would they not be able to take certain measures which would be, up to a certain point, equivalent, in order to maintain the value of silver, and to prevent India from being the victim of the depreciation of this metal in consequence of an unlimited coinage? It was within the province of Representatives of France to search out and formulate these equivalent measures which it is in the interest of France to take, and the choice of which should belong to France in default of measures of this kind, which should be really calculated to contribute to the maintenance of the nominal value of the French Government would not consider the reopening of the mints of India alone as a guarantee sufficient to permit them to leave the French mints to the free coinage of silver.

By way of suggestion, I would indicate, as one of the measures which the English Government might usefully adopt, the annual issue of a certain quantity of silver metal, which might afterwards be disposed of as seemed best—either it might be preserved for use or it might be used for regular consumption, or it might be sent to India. This quantity might be fixed approximately, at the end of a number of years, at a sum of 10,000,000*l.* in nominal value. This is, perhaps, only a palliative; it is, in any event, only one of the expedients which would be deemed necessary. But I am strongly of opinion that the English Government determine to take such measures of this kind, or other equivalent measures, if, as I believe, they realize with us the necessity of improving the monetary system in a great part of its Empire—I may say, in a great part of the world.

Salisbury then asked whether the French Government declined to open its mints unless England would also open hers. The French Ambassador replied that he preferred to discuss the subject upon the basis that France would go to open mints if England would consent to open hers, but that he would not discuss from his view the question of contributions by England to maintaining the value of silver, short of opening mints. The Governor of the Exchequer, in response to this, stated definitely that the English Government would not agree to open English mints to an unlimited coinage of silver, and that, whatever views he and his colleagues might separately hold on the question of bimetallism, that he could say they were united upon this point.

The French Ambassador, upon being asked what contributions he expected, replied that among other contributions he thought England should open her Indian mints, and should also agree to contribute annually, say, 10,000,000*l.* of silver for a series of years. The suggestions made by the Special Envoys at the interview on

the 12th July were again read, and the Special Envoys accepted also as important and desirable the proposal that the English Government should purchase annually, say, 10,000,000*l.* of silver with proper safeguards and provisions as to the place and manner of its use.

The French Ambassador expressed his approval generally of the suggestions of the Special Envoys, as being serviceable in the consideration of the question. It was then understood that the proposals submitted by the French Ambassador and by the Special Envoys of the United States should be considered, and due notice given when a reply could be made.

Lord Salisbury requested Mr. Wolcott to prepare a résumé of the proceedings of this and the preceding meeting.

No. 4.—India Office to Government of India.

MY LORD,

India Office, August 5, 1897

YOUR Excellency is aware that Special Envoys from the United States and the Ambassador of France have had interviews with members of Her Majesty's Government in order to discuss the subject of currency reform, in which the Governments of both those countries are at present much interested.

2. The result of those discussions is that Her Majesty's Government have been asked whether, on certain conditions, the question of reopening the Indian mints, which have been closed since 1893, would be taken into consideration.

3. Her Majesty's Government understand that the Governments of France and of the United States desire to open their mints to the free coinage of silver, as well as of gold, such silver to be made legal tender to an unlimited amount at a ratio of $15\frac{1}{2}$ of silver to 1 of gold, provided that they are satisfied they would receive such assistance from other Powers in increasing the demand for silver as would, in their opinion, justify them in such a policy. They propose to summon an International Conference to deal with the matter, if they are led to believe, by the preliminary inquiry which they are now undertaking, that such a Conference would arrive at any satisfactory result; and they ask whether, if their mints were opened as suggested, your Excellency's Government would undertake to reopen concurrently the Indian mints to the free coinage of silver, and to repeal the order which made the sovereign legal tender in India. It would, in this case, be clearly understood that no action shall be taken by you, until you are satisfied that the intentions and undertakings of the two Governments will undoubtedly be carried into effect.

4. Her Majesty's Government have replied that they will consult

llency's Government upon these proposals, and I invite
ingly to give them your most careful consideration.

s argued that, on the one hand, very great advantages
gained for India under an arrangement which could not
e the effect of raising materially the gold value of silver,
quently of the rupee, and which, if it were maintained,
e a good prospect of a more stable ratio, when once
disturbance was over, than has been known for many years.
se the heavy loss which is now sustained both by your
nt and by all individuals who depend upon a silver
for the payment of liabilities contracted in gold, would, in
ood, disappear; and holders of rupee values would benefit
y the increased command of sterling values which such
would necessarily give them.

e present system, however great may be the benefits which
ffered, may appear to be one of artificial and arbitrary
n, which is thought by some to have an injurious effect on
e of trade, and the fact of its removal would have the
e of leaving the expansion and contraction of the currency
atural forces of the market. I believe, moreover, that your
y will agree with me in thinking that the maintenance of
ange value of the rupee at a point considerably above
asic value of the silver which it contains is not without
ience, and that a policy which, without lowering exchange,
store the rupee to a value practically unmodified by mint
ns, has much to recommend it.

the other hand, there are certain objections which will readily
your Excellency, such as the disturbance and dislocation of
which might perhaps follow a great alteration in the rate
nge, and the possibility, however remote, that the value
rupee, as measured in commodities in India, would be so far
as to cause discontent by increasing seriously the amount
as taxation.

more serious question, in my opinion, is whether the
ion of only two Governments, even though the countries
ey represent are as important financially as France and the
States, is sufficient to give such a reasonable promise of
and permanence to an arrangement of this nature as would
India in facing the undeniable risks and inconveniences
g to such a change in her system of currency. No doubt,
the conclusions to be formed on this aspect of the question
part depend on the terms of the arrangement made between
ernments concerned.

a conclusion, I will remind your Excellency that in 1892 the
f closing the mints was only recommended by your Excel-

lency's predecessor in Council on the ground that an international arrangement, similar to that which is now contemplated, was then obtainable. This is clearly stated in the letters of Lord Lansdowne's Government, dated the 23rd March and 21st June 1892, and I shall be glad to learn whether your Excellency sees a reason to modify the views therein expressed, and, if so, on what grounds.

10. The question involves issues of such magnitude that I cannot ask your Excellency to reply to this despatch without taking such time as you may require for full deliberation and confidential discussion. As, however, it is important that Her Majesty's Government should, as soon as possible, be in a position to give an answer to the French and American Representatives, I trust that you will at once undertake the consideration of the matter, and that you will let me know your views without any unnecessary delay.

I have, &c.,

GEORGE HAMILTON

No. 5.—India Office to Treasury.

SIR,

India Office, October 13, 1897

I AM directed by the Secretary of State for India in Council to forward, for the information of the Lords Commissioners of the Treasury, the inclosed copies of a correspondence which has taken place between his Lordship and the Government of India on the subject of the currency proposals of France and the United States.

2. It will be observed that on the 5th August, Lord George Hamilton invited the Government of India to give their most careful consideration to these proposals, which were to the effect that the Governments of the United States and of France should open their mints to the free coinage of silver, as well as of gold, such silver to be made legal tender to an unlimited amount at the ratio of $15\frac{1}{2}$ of silver to 1 of gold, provided that those Governments were satisfied they would receive such assistance from other Powers in increasing the demand for silver as would, in their opinion, justify them in such a policy. They proposed to summon an International Conference to deal with the matter, if they were led to believe, by the preliminary inquiry which they were undertaking, that such a Conference would arrive at any satisfactory result, and they asked whether, if their mints were opened as suggested, the Government of India would undertake to reopen concurrently the Indian mints to the free coinage of silver, and to repeal the order which made the sovereign legal tender in India.

despatch the Government of India have replied in the 16th September, in which, as will be seen, they reject the rejection of these proposals for reasons which they state in considerable length.*

The Government of India have, in consideration of this advantage which local knowledge and daily experience of the present currency system cannot fail to give. They state, moreover, that the duty of carrying out the scheme would necessarily fall; and they would have an opportunity of success or failure, with which that of no other private or public body can for a moment be compared. In the various instances, the Secretary of State in Council feels that, for other considerations, he could not act in opposition to the expressed views of the Government of India, unless he were satisfied that the proposed scheme is intrinsically sound, and that it would confer real and lasting advantages upon the Government of India.

After the most careful consideration, Lord George Hamilton has reached the conclusion that the scheme does not fulfil those conditions, and that the criticisms of the Government of India upon it are well founded. Those criticisms are so clearly and fully stated in the inclosed letter that he does not feel it necessary to repeat or enlarge upon them; there are, however, one or two of their arguments, in which he desires more especially to express his concurrence.

The first of these relates to the question of the ratio between gold and silver to be adopted in the proposed international agreement. The difference in the market value of the two metals is at present in the proportion of about 35 to 1, whereas the ratio proposed in the scheme is 16 to 1, and his Lordship cannot avoid the conclusion that the proposed ratio differing so widely from that which actually obtains between the two metals at the present time constitutes a most serious, if not insuperable, objection to the proposals for international agreement.

Lord George Hamilton is also in agreement with the Government of India as to the grave results which any failure of the proposed arrangement would entail upon India. He believes that, in the special circumstances of that country, and the peculiar obligations of its Government, those results would be more disastrous than any which would, in the event of such a failure, be incurred by France and the United States; and he would be unable to consent on the part of India to the proposed arrangement unless he were thoroughly convinced that its effects would be only advantageous but durable.

* See Inclosure 2 to this letter.

8. On this point, he regrets to say, he cannot profess to be satisfied. Without discussing in detail the reasons which have led the Government of India to conclude that the proposed system could not be regarded as secure, he considers that, taken together, they show that it contains elements of uncertainty and danger, which he does not think that the Government of India should be called upon to face in disregard of their own strong conviction as to the peril of the course they are asked to pursue.

9. It has not been suggested, nor is it part of the proposed agreement, that France and the United States should, if the arrangement failed to maintain the desired ratio between gold and silver, become monometallic silver-using countries, nor is it easy to see, even if such an undertaking were offered, how it would be made effective under certain conceivable contingencies. Yet, in the absence of any such safeguard, India has strong reasons for declining to adopt a policy which might end in placing her in the position of a country having a monometallic currency heavily depreciated, and yet unassisted, or at best only slightly assisted, by the currency requirements of the countries upon whose invitation she had taken such action.

10. Lord George Hamilton desires me to say that he is fully conscious of the fact that these proposals, if they were adopted, might have an effect extending far beyond the boundaries of Her Majesty's Indian dominions, with which he is principally concerned. But he does not think it necessary to discuss the subject from that point of view, or to consider whether, or upon what conditions, it would now be desirable to substitute an international agreement such as was contemplated by the Government of India in 1892 for the policy which was adopted in 1898. He can only deal with the particular proposals now before him; and, as regards these proposals, he has been unable to avoid the conclusion that they do not satisfy the conditions necessary to justify such a change of policy as has been suggested to him.

11. The Secretary of State in Council must therefore record his concurrence in the request of the Government of India that Her Majesty's Government will not assent to the undertaking desired by France and the United States.

I have, &c.,

ARTHUR GODLEY.

(Inclosure 1.)—India Office to Government of India.—August 5, 1897.

[See No. 4.]

Inclosure 2.)—Government of India to India Office.

Simla, September 16, 1897.

I have the honour to acknowledge receipt of your Lordship's of the 5th August last, asking for our opinion whether the mints may be reopened to silver as part of a contemplated arrangement under which France and the United States of America open their mints to silver as well as gold.

The present currency systems of the three countries may be thus compared. France and the United States both have a gold standard; their mints are open to gold and closed to silver; but gold and silver are alike legal tender to an unlimited amount in both countries, at the rate of $15\frac{1}{2}$ to 1 in the former and of 16 to 1 in the latter. The present system of India is in a transition state; the Government in 1893 decided to establish a gold standard, and the first step towards that object was the closing of the mints to silver by the Act of 1893. The silver rupee is still the sole legal tender, although the Government has by Executive orders undertaken to receive gold and sovereigns under certain restrictions set forth in Proclamations Nos. 2662 and 2663 of the 26th June, 1893, the rate of exchange adopted being 16d. the rupee or 15 rupees = 1l. The changes to be taken when the transition period has passed have not yet been decided, but it is probable that the Indian mints will be reopened to gold, and gold coins will be made legal tender to an unlimited amount; silver rupees would also continue to be legal tender to an unlimited amount, and the ratio between the rupee and gold coins as legal tender would at the same time be finally fixed. The system towards which India is moving is thus a gold standard of the same kind as that which now exists in France and the United States, but with a different ratio for legal tender; but at present the mints are closed both to gold and silver. The transition period has lasted for more than four years, but there is still some hope for that it is now drawing to a close.

The changes which are involved in the arrangements proposed to His Majesty's Government are the following:—France and the United States are to open their mints to the free coinage of silver, retaining the free coinage of gold and the unlimited legal tender status of both metals, the ratio remaining unchanged in France and being altered to the French ratio of $15\frac{1}{2}$ to 1 in the United States. India is to open her mints to silver, to keep them closed to gold, and to undertake not to make gold legal tender. France and the United States would thus be bimetallic; India would be monometallic (silver); while most of the other important countries of the world would be monometallic (gold).

The object which the proposers have in view is the establishment

of a stable relation between the values of gold and of silver would include the establishment of a stable exchange between the rupee and sterling currency, which was the object of the Government of India in the proposals made in our financial despatch of 21st June, 1892, which proposals ultimately resulted in the policy in view to the attainment of that object, of the policy of a gold standard, and in the closing of the mints to the free coinage of silver. If, then, it were certain that the suggested measures would result in the establishment of a stable ratio, the Government of India might well consider whether their adoption would be preferable to the policy to which they committed themselves in the hope of attaining the same result by isolated action on the part of India alone. The principal questions therefore to be considered are whether the measures are more likely to succeed than the policy of 1893, and what consequences to India may be apprehended if the measures should fail of success after being brought into operation. From this point of view we propose to consider the effect on trade and industry and on our own revenue of the changes when made, and of the failure of the arrangements if they should fail, the chances of success, and the risks of failure.

The first result of the suggested measures, if they were temporarily to succeed in their object, would be an intense disturbance of Indian trade and industry by the sudden rise in the value of the exchange, which, if the ratio adopted were $15\frac{1}{2}$ to 1, would rise from about 16*d.* to about 23*d.* the rupee. Such a rise would be enough to kill our export trade, for the time at least. If we were not convinced that the arrangement would have the results intended, or believed that it would not be permanent, the depression of trade and industry would be prolonged and accompanied by individual suffering, none of the advantages expected would be attained, and the country would pass through a critical period which would retard its progress for years. How long the crisis would last before normal or stable conditions were restored it is not possible to conjecture. It would be long even if the mercantile and manufacturing community saw that silver was being steadily maintained at the prescribed ratio, while any indication of unsteadiness would only prolong the period by giving foundation for doubt. If the arrangement should happen to be justified by the results, the position would be disastrous alike to the State, to individuals, and to trade. The exchange value of the rupee having risen suddenly to any intermediate steps, from 16*d.* to some higher figure, would fall quite as suddenly to a point far lower than its present value, probably to 9*d.*, or even lower. Such a fall would, apart from the disastrous results, necessitate the imposition of additional taxes to the extent of many crores.

may here remind your Lordship that such an agreement as is proposed is an infinitely more serious question for India than for either of the other two countries, for it seems clear that practically the whole risk of disaster from failure would fall on India alone. It would happen in each of the three countries if the agreement were broken down and came to an end? France possesses a large stock of gold, and the United States are at present in much the same position as France, though the stock of that metal is not so large. It may be admitted that if no precautions were taken these gold reserves might disappear under the operation of the agreement, and in that case, if the experiment ultimately failed, the two countries concerned would suffer great loss. But it is inconceivable that such precautions would not be taken, at all events so soon as the danger of depletion of the gold reserves manifested itself, and, therefore, it is probable that no particular change would take place in the monetary system of France or the United States, the only effect of the agreement being a coinage of silver which would terminate with the termination of the agreement. Thus the whole cost of the experiment, if the experiment should fail, would be borne by India. If the rupee would rise with great swiftness, it would keep steady for some time, and then, when the collapse came, it would fall headlong. What course could we then adopt to prevent the fluctuation of the value of our standard of value with the fluctuations in the value of silver? We do not think that any remedy would be open to us, for if the Indian mints were reopened to silver now, it would, in our opinion, be practically impossible for the Government of India to ever to close them again, and even if they were closed, it would only be after very large additions had been made to the quantity of silver in circulation.

There is another important consideration in which India is involved in a manner different from France and the United States. The effect of the scheme will probably be an increase in gold prices (that is, in the prices current in France and in the United States) and a fall in silver prices (that is in the prices current in India). It is not the place in which to discuss the economic effects of a fall in prices, a matter in respect of which there may be much difference of opinion. But we presume that France and the United States will contemplate with equanimity the possible effects of the change upon their trade and production generally, while it is almost entirely impossible for us, affected as we are in the opposite position, to take the same view.

Moreover, it seems to us somewhat unfair to expect that India, after its struggles and difficulties of the last decade, should consider the question on the same plane in the discussion of these projects as France and the United States. India has, since 1893, passed through a

period of serious tension and embarrassment alike to trade and the Government. We are satisfied that, great as have been the troubles which have attended this period of transition, the attainment in the end of the paramount object of stability in exchange worth more than all the sacrifices made. We believe that the difficulties are now nearly over, and that we shall, in the near future, succeed in establishing a stable exchange at 16d. the rupee by continuing the policy initiated in 1893.

The United States are possibly, in part at least, inspired, making these proposals, by the idea that they may have before them some of the difficulties and dangers which we have experienced. We need not say that if our way was clear before us, the consideration that another and a friendly nation would derive benefit from the course adopted by us, would present itself to our minds as a good reason for the adoption of a course of action which would have this result. But the case is quite different when, on the eve of emerging with success, by our own unaided efforts, from the monetary disturbances of the last twenty years, we are asked, in view of the benefit to other nations, to throw away the advantages we have gained and plunge into a new period of struggle and change. Only the most absolute certainty of early and permanent success would warrant our acceptance of such a position. We cannot help seeing that if the policy of 1893 is now abandoned, and if the triple union now proposed as a substitute should fail in its operation or should terminate, and in its failure subject Indian trade to the violent shocks we have described, the Government of India could not, as a responsible Government, call upon the commercial public to face another prolonged period of doubt, suspense, agitation, and difficulties. For it must be clearly and fully recognized that if India joins in the proposed measures, we shall be left dependent, as the sole means of attaining stability in exchange, on the success of those measures, and that if they should fail, India must be content to remain permanently under the silver standard with all its admitted disadvantages.

If then there is any reasonable doubt of the success of the suggested measures, we are of opinion that we ought to refuse to co-operate, and should maintain our freedom to watch the course of events, and take such action from time to time as these may render expedient. A possibility or even a probability that the efforts of France and the United States might meet with success would not be enough to justify us in parting with our freedom or doing anything to further an experiment which, if it fails, will entail consequences to the trade and finances of India which must be described, without any exaggeration, as disastrous.

We have given very careful consideration to the question whether

the United States are likely, with the help of India, to maintain the relative value of gold and silver permanently. They intend to adopt, and have come to the conclusion we admit a possibility of the arrangements proposed for the permanent maintenance of the value of gold at the ratio of $15\frac{1}{2}$ to 1, the probability is that they will reach that result, and that it is quite impossible to hold out anything approaching a practical certainty of their

reason for this conclusion is, that the arrangement would be on a narrow basis. A union consisting of two countries, and lending assistance, is a very different thing from the international union of all or most of the important countries of the world, which was advocated by the Government of India in the speeches of March and June 1892 and of February and March 1886.

To afford a hope that a monetary union will succeed in establishing a uniformity in the relative value of gold and silver, it is essential that nations adhering to it should be of such number and power that the metallic currency of the whole body shall be of sufficient extent to allow of the exercise of adequate influence on the value of the two metals. We doubt whether any two, or even three, nations in the world, unless, indeed, one of them was Great Britain, could comply with this condition, and we have no hesitation in saying that France and the United States and India certainly

cannot. The intended ratio assigns to coined silver a much higher value than the present market value of silver, and the market value could only be raised by transferring the demand for coinage to silver. But France, the United States, and India all possess a very large stock of silver coin, and it is doubtful whether they have much room in them for a large increase in the silver coinage. The displacement in France and the United States of the old gold coins. It is quite possible that the whole of the gold coins of both France and the United States might disappear and be replaced by silver coins before the market value of silver was raised to the intended ratio with gold. Whether the Governments of these countries will allow a total displacement of their gold by silver is open to more than doubt; and in so far as either enforces the law to prevent gold from being exported, the power of the law is possibly also its desire, to effect its object will be defeated.

Another doubt occurs to us in the possibility that either the United States may, for reasons which will suggest

themselves to your Lordship, be reduced for a time to a paper currency. In that case, the agreement would cease to operate in an indefinite period under the stress of circumstances. This possibility, though of no importance in the case of a union comprising all the important countries of the world, cannot be disregarded when two or three countries only form the union.

Another important source of doubt lies in the consideration that a three-sided agreement is open to much greater risk of termination by the action of one or two of the parties than a many-sided agreement such as the Government of India advocated before 1893. In the latter all the commercial countries would be in the union, and all would be in an equal position; there would be no ground for supposing that the operation of the agreement benefited one country at the expense of another. There would therefore be no substantial inducement for withdrawal from the régime adopted by common consent; the union might for practical purposes continue to subsist and to produce its effect even after the dissenting country had withdrawn. On the other hand, in a three-sided agreement such as is now proposed, either France or the United States might any day find some reason for thinking that some other nation was obtaining some advantage at their expense in consequence of the great difference in the standard of value, and thereupon discussions might ensue as to the expediency of terminating the agreement which would have only a less serious effect than its actual termination.

Another reason for anticipating that the proposed agreement is not likely to succeed will be found in the considerations mentioned in paragraph 6 regarding the improbability of France and the United States allowing their gold reserve to disappear. We attach great importance to these considerations, because we are convinced that they vitally affect the prospects of any agreement being successfully carried out. With the precautions to which we have referred the experiment might be continued, for the risk to the two nations would be very small. But without these precautions, or if they proved to be inadequate for their purpose, i.e., the retention of a sufficient stock of gold, we believe the inducement to abandon the experiment would be very strong, and if even one country adopted that course it would be impossible to prevent the whole agreement breaking down.

For these reasons alone, without taking into consideration the objections based on the particular ratio proposed, which we shall separately discuss, we have no hesitation in recommending your Lordship to refuse to give the undertaking desired by the Governments of France and the United States. We are quite clearly of opinion that the interests of India demand that her mints shall not be opened as part of an arrangement to which two or three

only are parties, and which does not include Great

note that the proposals of the Governments of France and the United States are subject to the proviso that they are satisfied they will receive assistance from other Powers in increasing the value for silver. We believe that a limited increase of the quantity of silver used as currency will exercise a very trifling effect, if any, in raising the gold price of silver, and that the only advantage from other Powers which can be of any real value would be the addition of other countries to the bimetallic union of France and the United States.

If, however, assurances of really sub-co-operation should be secured from other countries, we should be glad to learn the exact nature of the assurances, and we should consider whether the promised co-operation changes the character of the problem, or adds materially to the chances of success.

We believe, however, that whatever inducements are held out to other nations, our best policy in monetary matters is to link our policy with that of Great Britain. Our commercial connections with that country are far more important than those with all the other countries of the world put together, and more than a sixth part of our foreign trade is incurred in that country, and measured in its currency. The advantages, which in this respect we gain by following the lead of Great Britain, are not obtained, or not fully obtained, if we are not members of a monetary union in which Great Britain takes an equal part. And, indeed, as we have already explained, we have no hope of an efficient union being formed unless Great Britain takes an equal part. We think it a reasonable position for us to take with regard to the present proposals by France and the United States, that we should say that the Government of India strove long and hard to further the formation of an International Union: that they saw that the opposition of England rendered impossible the attainment of that object within any measurable time, they finally abandoned their efforts in that direction, and decided, as a matter of course, to pursue the courses open to them, to throw in their lot with Great Britain and to adopt the gold standard: that, as it was highly improbable that an effective union will be formed without the assent of Great Britain, and as the measures adopted to introduce a gold standard in India are now approaching final completion, they consider that it will be wisest to adhere to the course pursued in 1893 until Great Britain is prepared to join in international bimetallic union; and that they therefore wish to adhere to the gold standard as Great Britain, with which nation they are most closely linked both in respect of their commercial relations and in all other respects, and to refrain from becoming a party to

arrangements with other nations in which Great Britain sees any reason for refusing to join.

So far, the arguments we have offered, in discussing the chance of success or failure of the arrangement, have been independent consideration of the precise ratio proposed by France and United States. We have objected to the arrangement on grounds which apply to it whatever be the ratio adopted, but we must add that our objections are greatly strengthened by the fact that so high a ratio is proposed as $15\frac{1}{2}$ to 1. It seems to us that the difficulty of making the arrangement effective will be immensely increased by the adoption of a ratio differing so widely from the present market ratio. Indeed, even if it could be maintained successfully, we should object to that ratio in the interests of India, and we recommend that your Lordship should, on behalf of India, decline to participate in or do anything to encourage the formation of a union based on that ratio.

We have said in paragraph 5 that the first result of the proposed arrangement would be an immediate disturbance of trade and industry by the advance of the exchange value of the rupee, which will be very intense if the rise is from between $15d.$ and $16d.$ to about $23d.$ There is no doubt that the effect would be to throw some branches of the export trade of India and the industries connected therewith (the planting industries, for example, in which a large amount of European capital has been embarked) into the most depressed condition for some time at least. The period of depression might be long or comparatively short, though there are authorities who are inclined to attribute a permanently disastrous effect to such a large and sudden rise in exchange, and to apprehend that Indian commerce might be utterly shaken by the change.

In any case, we are of opinion that the true interests of India demand that any measures for attaining stability in the rate of exchange between gold and silver should be based upon a rate not greatly differing from $16d.$ the rupee, and that any measure which would raise the rupee materially higher than that level involves great dangers, for which we see no adequate compensations. Your Lordship will observe that we attach no special importance to the advantages to be derived from the proposed considerable rise in exchange mentioned in paragraph 5 of your despatch, and consider them to be far outweighed by the resulting evils.

Pressed as we have been for many years by the difficulty of finding the continually increasing number of rupees requisite to discharge our sterling liabilities, we are apt to look too exclusively at the effect which a rise of exchange would have in diminishing the burden of that demand upon us. We do not deny that a large surplus of revenue will arise from so great an improvement in

ge; but it is not to be forgotten that there are many respects in which our revenue account must directly suffer by a rise in the value of the rupee, and that these considerations ought to influence our estimate of the benefit to our revenue account almost the sole advantage which, as a Government, we can obtain from the proposed measures.

The anticipated fall in prices is one that will adversely affect our revenues and the general condition of the agricultural population in the country. To take the case of our land revenue, a very large portion of the country has passed under land revenue settlement during the last ten or fifteen years. One of the factors in the demand of the Government for revenue is the price of agricultural produce: if that price falls away, the heavier the burden becomes, and if it falls away materially, the relation between the price that the ryot can obtain for his produce and the rent he has to meet may be so seriously altered as to affect the agricultural prosperity of large tracts of country. The work of re-settlement is a tedious one, it cannot be effected in all probability within a few years, and when it is effected it will *pro tanto* dissipate the advantage which the rise of exchange would bring to the Government account.

Also, as regards our railway revenues, which are now so important a portion of our income. They are in part directly dependent upon the activity of the export trade, and a blow struck at the trade will be felt by us immediately and directly through our railway account.

For these reasons, therefore, in addition to those set forth in the previous portion of this despatch, we recommend that the reply to the proposals of the Governments of France and the United States should be in the negative. We presume that a union based upon a ratio of exchange not high enough to suit our interests would be unacceptable to France and the United States.

With reference to paragraph 6 of your Lordship's despatch, we draw attention to the description of the present currency system of India given in paragraph 2 above. There appears to be some misapprehension in the comparison drawn between the arrangement made by the United States and France and the "present system" in India. The present system is, of course, open to the objection that it is one of artificial restriction, but it is essential to bear in mind that it is not a permanent system, or, indeed, a system of artificial restriction.

We are in a transition period, moving from one system to another, and the present artificial restriction is merely a temporary expedient which has for its sole object the acceleration of the movement and which will cease to exist at the completion of the movement. Thereafter the expansion and contraction of the currency

will be left to the natural forces of the market, that is, it will be regulated automatically by the inflow and outflow of gold.

It is true that the system will be open to the other objection stated in paragraph 6 of the despatch, that the rupee will continue to remain at a value above its metallic value; but—as was pointed out by Lord Herschell's Committee—this is an objection which has not made itself seriously felt in the other countries, including France and the United States, in which an analogous system has been in operation for many years. It is not likely that the objection will make itself seriously felt in India when the gold standard has been effectively introduced.

The question really is not one of comparison, as put by your Lordship, between the present temporary expedient in India and the arrangement proposed, but between a gold standard and the proposed arrangement, which involves the abandonment of the policy of a gold standard, adopted in 1893, in favour of reversion to the policy of a silver standard.

In paragraph 9 of the despatch your Lordship reminds us that “in 1892 the policy of closing the mints was only recommended” by Lord Lansdowne's Government “on the ground that an international arrangement, similar to that which is now contemplated, was not then obtainable,” and we are asked to say whether we see any reason to modify the views expressed in that sense in the despatches of the 23rd March and 21st June, 1892.

In reply, we have first to point out that the international arrangement which Lord Lansdowne's Government contemplated is very far from being similar to that which is now proposed. The proposal now under consideration is for a union of two countries only, with some assistance from a third: the international arrangement contemplated in 1892 was a general bimetallic union of all important nations, or, to use the words of the despatch of the 4th September, 1886, which is referred to in paragraph 2 of the despatch of the 21st June, 1892, as expressing the views held by Lord Lansdowne's Government, “an international agreement for the free coinage of silver and the making of both gold and silver coin a legal tender at a fixed ratio by a group of nations possessed of a metallic currency of sufficient extent to maintain that ratio permanently.” We have already stated our opinion that the agreement now proposed does not fulfil the last-named essential condition.

Secondly, circumstances have essentially altered since 1892. Despairing of securing the adoption of any of the measures which they had persistently urged, the Government of India decided to attempt the establishment of a gold standard and, as the first step, closed the mints to the coinage of silver tendered by the public. If the proposals now made had been made in 1892 or at any time

In 1893, it is conceivable that the Government of India would have welcomed them as containing a possibility of the objects they desired, and would, in order to secure their agreement, have agreed to postpone the closing of the mints and to keep them open for a period sufficient to allow a full trial to the Government of France and the United States, say for five years. But the position is now very different. The experience of the last three years has cleared up many doubts which were present to our minds in 1893, and it has taught us that the course we adopted in 1893 really had in it better chances of success than the alternative of a partial international agreement. To agree to keep the mints, still open, for a definite time, and to agree to keep the mints closed, are two very different things. The former would have been justifiable if the measures proposed were to afford a reasonable expectation of securing the main object of the Government of India, namely, stability in the rate of exchange. The latter is entirely unjustifiable, unless the measures proposed afford a practical certainty of securing that object.

Under the conditions under which we have had to reply to your Lordship's speech preclude our consulting the commercial and banking interests in this country, although the subject is one in which we have explained, most closely interested. It was only after a prolonged public discussion, and after a formal examination by a committee of experts, that the policy of 1893 was adopted; and if it were now our duty to advocate a change in that policy instead of maintaining it, we should have to meet the strong objections which we see to its abandonment, and we should nevertheless, strongly deprecate any steps of the kind being taken without the fullest preliminary consideration on the part of the Government and the commercial and banking bodies in this country.

In our reply to your Lordship's reference is a strong recommendation that you should decline to give the undertaking to the Government of France and the United States. Our unanimous and strong opinion is that it would be most unwise to reopen the mints under the proposed arrangements, especially at a time when we are so near the appearance approaching the attainment of stability in the rate of exchange by the operation of our own isolated and independent

ELGIN.

G. S. WHITE.

J. WESTLAND.

J. WOODBURN.

M. D. CHALMERS.

E. H. H. COLLEN.

A. C. TREVOR.

No. 6.—Treasury to Foreign Office.

SIR,

Treasury Chambers, October 16, 1897.

WITH reference to your letters of the 27th July and the 5th August last, I am directed by the Lords Commissioners of His Majesty's Treasury to request you to inform the Secretary of State for Foreign Affairs that they have had under their consideration the proposals respecting currency which were submitted to His Majesty's Government by the Representatives of the United States and France at the Conferences held at the Foreign Office on the 12th and 15th July last.

Of these proposals it is evident that the first, which relates to the reopening of the Indian mints to the free coinage of silver, is by far the most important; and on the 5th August the Secretary of State for India in Council addressed a despatch to the Government of India, asking for an expression of their opinion on the subject.

I am now to inclose a copy of a letter from the India Office,* forwarding the reply of the Government of India to this inquiry.

It will be observed that their "unanimous and decided opinion is that it would be most unwise to reopen the mints as part of the proposed arrangements," and that this conclusion is indorsed by the Secretary of State in Council.

My Lords have read with attention the reasons by which this conclusion is supported. Among other arguments, the Government of India point out that they can hardly be expected to give up the policy which for four years they have been endeavouring to make effective, in the absence of substantial security that the system to be substituted for it is practically certain to be stable. If, owing to the relative smallness of the area over which the bimetallic system is to be established, to the great divergence between the proposed ratio and the present gold price of silver, or to any other cause, the legal ratio were not maintained, the position of silver might be much worse than before, and the financial embarrassments of the Government of India greater than any with which they have as yet had to contend.

These are arguments against the proposals as they stand, of which it is impossible to deny the force. But even were they less strong than they appear to my Lords, or than they will probably appear to the Representatives of the United States and France, the Government of India could hardly be compelled, against their own decided opinions, to make a second important change in Indian currency within so short a period as four years, at a time of exceptional difficulty and suffering.

* No. 5, page 536.

circumstances, my Lords would suggest that the French Representatives should be informed that their first one which Her Majesty's Government are unable to

consideration has also been given to the remaining proposals. My Lords do not feel it to be necessary to discuss them at the present moment. The proposal respecting the Indian mints was first alluded to by the First Lord of the Treasury and the First Lord of the Exchequer in the debate of the 17th March, 1896, and is the most important contribution which could be made by the British Empire towards any international agreement, with the view of securing "a stable monetary par of exchange between gold and silver," but it would also appear that the Representatives of the United States and France entertain a similar opinion with regard

to this subject. My Lords would, therefore, ask the Secretary of State to ascertain the views of the French and American Governments on the subject, and by the decision now arrived at, and whether they desire to proceed further with the negotiations at the present moment. It is also to be noted that the time which has elapsed since the proposals were first made in July last may have enabled the Representatives of the United States and France concerned to form a more accurate estimate of the practicability of the amount of assistance which they could receive from other Powers, and of the success which their proposals are likely to attain; and that Her Majesty's Government may now be placed in a position to consider the subject with a more full knowledge than they now possess of many circumstances affecting the proposals before them.

I have, &c.,

E. W. HAMILTON.

No. 7.—*The Marquess of Salisbury to Mr. Hay.**

Foreign Office, October 19, 1897.

My Lords, Her Majesty's Government have given their most careful consideration to the proposals respecting currency which were submitted to them by the Representatives of the United States and France at the Conference held at the Foreign Office on the 12th and 15th July

last. In these proposals it is evident that the first, which relates to the free coinage of silver for the Indian mints, is by far the most important, and consequently a despatch was addressed

* A similar letter was addressed to M. Geoffroy.

on the 5th August to the Government of India by the Secretary of State in Council,* asking for an expression of their opinion on the subject.

I have the honour now to inclose a copy of a letter from the India Office to the Treasury, forwarding the reply of the Government of India to this inquiry.†

It will be observed that their "unanimous and decided opinion is that it would be most unwise to reopen the mints as part of the proposed arrangements," and that this conclusion is indorsed by the Secretary of State in Council.

Her Majesty's Government have carefully considered the reasons by which this conclusion is supported. Among other arguments the Government of India point out that they can hardly be expected to give up the policy which for four years they have been endeavouring to make effective, in the absence of substantial security that the system to be substituted for it is practically certain to be stable. If, owing to the relative smallness of the area over which the bimetallic system is to be established, to the great divergence between the proposed ratio and the present gold price of silver, or to any other cause, the legal ratio were not maintained, the position of silver might be much worse than before, and the financial embarrassments of the Government of India greater than any with which they have as yet had to contend.

These are arguments against the proposals as they stand, of which it is impossible to deny the force. But even were they less strong than they appear to Her Majesty's Government, or than they will probably appear to the Representatives of the United States and France, the Government of India could hardly be compelled against their own decided opinions to make a second important change in Indian currency within so short a period as four years at a time of exceptional difficulty and suffering.

In these circumstances, Her Majesty's Government feel it their duty to state that the first proposal of the United States' Representatives is one which they are unable to accept.

Due consideration has also been given to the remaining proposals, but Her Majesty's Government do not feel it to be necessary to discuss them at the present moment. The proposal respecting the Indian mints was not only alluded to by the First Lord of the Treasury and the Chancellor of the Exchequer in the debate in the House of Commons of the 17th March, 1896, as by far the most important contribution which could be made by the British Empire towards any international agreement, with the object of securing "a stable monetary par of exchange between gold and

* No. 4, page 534.

† No. 5, page 536.

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 es and France entertain a similar opinion with regard

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 in July last may have enabled the Representatives of
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 en practicable of the amount of assistance which they
 from other Powers, and of the success which their
 kely to attain. Her Majesty's Government might then
 a position to consider the subject with a fuller know-
 they now possess of many circumstances materially
 e proposals before them.

I am, &c.,

SALISBURY.

ADDITION TREATY *between Brazil and Chile.*—

Signed at Rio de Janeiro, May 4, 1897.

cations exchanged at Rio de Janeiro, May 8, 1900.]

.)
 sident of the Republic of the United States of Brazil, and
 nt of the Republic of Chile, having resolved to conclude
 regulating the extradition of criminals, have named for
 e as their Plenipotentiaries:

sident of the Republic of the United States of Brazil,
 neral Dionysio Evangelista de Castro Cerqueira, Minister
 Foreign Affairs;

sident of the Republic of Chile, Señor Don Joaquim
 rtinez, Envoy Extraordinary and Minister Plenipotentiary
 Republic;

ter having exchanged their respective full powers, found
 good and due form, have agreed upon the following

The two Contracting Republics engage to deliver up the
 taking refuge in their respective territories under the
 reumstances:

n the requisitioning party shall have jurisdiction to try
 he crime for which extradition is demanded.

2. Where there is a **perpetration of a crime of ordinary character** which the laws of the requisitioning country would punish with imprisonment for at least two years in the case of accused persons and with a year of similar punishment at the least in the case of persons on whom sentence has been passed.

3. When the requisitioning party presents documents which according to its laws, authorize provisional arrest before or after indictment and trial of the accused.

4. When the crime or punishment shall not be prescribed under the law of the country requisitioned.

5. When the accused has not been condemned or undergone sentence for the same offence.

II. Extradition cannot be granted when the accused is a native of the country requisitioned, but he ought, however, in such case, to be tried and sentenced for which the requisitioning country shall furnish the evidence for conviction. This rule shall not prevail where the accused shall have acquired the nationality after the perpetration of the offence for which extradition is asked.

III. Extradition shall not be granted for political offences or offences of a political nature. Acts of anarchism directed against the foundations of the social organization shall not be considered political offences for the application of the preceding rules.

IV. Persons whose extradition may have been granted shall not be tried and punished for political offences or for offences of a political nature committed prior to extradition.

Offences for which extradition may be granted which have not been the cause of that already granted may, in accordance with the present Treaty, be tried and decided with the previous consent of the State to which the demand is made.

V. If another or other States, by virtue of a Treaty, request the surrender of one and the same individual on the ground of different offences, the petition of that State wherein, according to the opinion of the State appealed to, the more serious offence has been committed, shall have prior claim. If the offences shall be considered of equal gravity, preference shall be given to the State which shall have first applied for extradition, and, if all the applications shall have the same date, the country requisitioned shall settle the order of surrender.

VI. The surrender of the accused may be delayed while he is undergoing sentence in the State to which demand is made, without prejudice to the efficacy of the extradition.

VII. Requests for extradition shall be presented by the Diplomatic or Consular Agents, and, in the absence of these, directly from Government to Government, and accompanied by the following documents :

h regard to accused persons, a legalized copy of the penal
able to the offence causing the demand, and of the warrant
nd further requisites referred to in No. 3, Article I.

h regard to sentenced persons, a legalized copy of the
proof being given at the same time, and in like form, that
d had been summoned, represented in Court or declared
ous.

When one of the two Contracting Governments or the
authorities consider the case urgent, they may require,
e post or by telegraph, or through the Diplomatic Agent,
tional arrest of the accused, as well as the seizure of objects
the crime affirming the existence of a sentence or warrant
or of capture in *flagrante delicto*.

in a month, counted from the day of arrest of the accused,
of this Article, the Government to which the request
shall not receive the demand for extradition in due form, the
shall be liberated.

f the Government of Brazil or of Chile shall consider the
r extradition invalid by reason of informality, the papers
eturned to the Government making the request, giving the
which prevented the steps being taken for granting
n.

e request for extradition as regards procedure, the verifica-
authenticity, and the admissions and qualifications of the
s which may be taken to it on the part of the accused
e whose surrender is demanded, shall depend upon the com-
thorities of the country of refuge, which shall proceed in
in accordance with the provisions and legal practice in force
d country. The said accused, however, to retain his right
for *habeas corpus*, or protection of his individual rights.

f the decision shall be favourable to the request for extra-
e Tribunal which pronounced the same shall immediately
e Executive power, so that the latter may take the necessary
the surrender of the accused.

shall be adverse, the Judge or Tribunal shall order the
e release of the prisoner, communicating the fact to the
e Power, to which it shall forward a copy of the decision,
t may be brought to the knowledge of the Government
e request.

Public Ministry ("Ministerio Publico") can, at option,
ainst the decision.

es of appeal, owing to the insufficiency of documents, fresh
gs towards extradition shall be instituted whenever the
ent making the request shall supply further documents, or
those already supplied.

XII. The objects connected with the offence for which extradition shall be claimed, and which shall be found in the possession of the accused, shall be returned to the Republic obtaining the surrender. Those which shall be in the power of third parties shall be seized and not returned until those possessed of them shall have been previously heard, and their explanation taken into consideration.

XIII. The Republic to which the demand is made shall provide for the transport of the accused to the most suitable port for the embarkation of the agents appointed by the Republic making the demand.

The latter may send one or more police or military agents, but the action of these shall be subordinate to the agents or authorities of the territory of the Republic to which the demand is made.

XIV. The transport through the territory of one of the Contracting Parties of any person surrendered by a third State to the other Party, and who shall not belong to the country to be traversed, shall be allowed on the mere presentation, in original or by authenticated copy, of one of the documents mentioned in Article VII, provided the crime is extraditable by the present Treaty.

XV. The expenses occasioned by the extradition of the accused shall be borne by the Republic to whom the request is made up to the time of surrender, and afterwards shall be borne by the Republic making the request.

XVI. When extradition has been granted, and the individual has not already been tried, the Government obtaining extradition shall inform the Government granting it of the final sentence pronounced (in the trial which gave rise to the request).

XVII. Any person arrested on a request for extradition may ask for release on bail, subject to the conditions of the law of the Republic making the request.

XVIII. Extradition may be granted under the present Treaty, although the facts involved may be of prior date to its conclusion.

XIX. The present Treaty shall continue in force for an indefinite period, terminating in its entirety one year after either of the High Contracting Parties shall have denounced it to the other.

It shall be ratified, and the ratifications exchanged at Rio de Janeiro, after approval of the Congresses of the two High Contracting Parties.

In witness whereof, the Plenipotentiaries of the Republics of the United States of Brazil and of Chile have signed and sealed it.

Done at Rio de Janeiro, on the 4th May, 1897.

(L.S.) DIONYSIO E. DE CASTRO CERQUEIRA.

(L.S.) J. WALKER MARTINEZ.

CONVENTION entre la France et la Suisse, pour la Délimitation de la Frontière Franco-Suisse entre le Mont Dolent et le Lac Léman.—Signée à Paris, le 10 Juin, 1891.

[Ratifications échangées à Paris, le 20 Juin, 1900.]

Président de la République Française et le Conseil Fédéral ayant reconnu l'utilité d'une vérification et d'un bornage de la frontière Franco-Suisse comprise entre le Mont et le Lac Léman, afin d'éviter le retour des difficultés par le renversement, la détérioration et la disparition des bornes ou par d'autres causes, et ayant fait procéder aux études techniques indispensables, ont résolu de consacrer par une Convention les résultats de ces travaux. A cet effet ils ont nommé des Plénipotentiaires, savoir :

Président de la République Française, M. Alexandre Ribot, Ministre des Affaires Étrangères de la République Française ;

Conseil Fédéral Suisse, M. Charles Edouard Lardy, Envoyé ordinaire et Ministre Plénipotentiaire de Suisse à Paris ;

lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

Art. I. La ligne déterminée par la description ci-annexée constitue la frontière entre la France et la Suisse depuis le Mont Dolent jusqu'au Lac Léman.

Le tracé ainsi déterminé fixe également les limites des communes, soit communales, soit particulières, partout où ces limites ne sont pas, jusqu'à ce jour, formées par la frontière politique entre les États, bien entendu sans préjudice du droit, pour les communes et les particuliers propriétaires, de modifier ultérieurement, par voie de transaction ou autrement, ces limites par des transactions nouvelles.

Art. II. Il n'est dérogé en rien par la présente Convention aux coutumes, droits, et usages qui pourraient légitimement exister sur l'étendue de la frontière, et qui n'auraient pas été expressément visés dans la description ci-annexée.

Art. III. La présente Convention sera ratifiée, et les ratifications en seront échangées à Paris aussitôt que faire se pourra. Après l'échange des ratifications, des Commissaires des deux Gouvernements procéderont à l'abornement de la frontière, conformément à la description ci-annexée. Ils dresseront un procès-verbal de bornement auquel seront annexés des Tableaux d'abornement et de bornement détaillés.

V. Les dépenses résultant des travaux de délimitation seront supportées par moitié par les deux États.

VI. La présente Convention sortira son plein effet à partir du procès-verbal de délimitation prévu à l'Article IV ci-dessus. Elle aura même force et valeur que s'il était inséré dans la Convention elle-même, aura été approuvé par les deux Gouvernements.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait en double expédition à Paris, le 10 Juin, 1891.

(L.S.)

(L.S.)

ANNEXE.

Description de la Frontière Franco-Suisse du Mont Dolent au Mont Léman.

La section décrite ci-après de la ligne frontière Franco-Suisse a pour point méridionale au Mont Dolent (point commun avec la frontière Italienne) et pour extrémité septentrionale à l'embouchure du torrent de la Morgue au Mont Léman.

Entre ces deux points la frontière n'a pas fait, avant la délimitation, l'objet d'un arrangement analogue à ceux qui ont fixé les autres sections de la frontière Franco-Suisse. Le tracé résultait d'une série d'actes internationaux des divers Souverains successifs du Valais et de la Savoie ; en quel point on avait adopté comme frontière internationale les limites établies par les communes voisines aux époques où les territoires séparés aujourd'hui faisaient partie d'un même État.

D'autre part, les anciennes bornes, dont un grand nombre remontaient à une époque reculée, avaient été détériorées ou avaient disparu en partie. Cet état de choses avait donné lieu à des contestations qui ont conduit les Gouvernements à reconnaître la nécessité d'une vérification de la ligne de la vue d'un nouvel abornement. Cette vérification a été faite à l'aide de tous les documents faisant foi entre les deux Gouvernements et de ceux énumérés ci-après :—

1. Délimitation entre les communautés de Val-d'Illiez et de Monthey, d'Aulph, du 12 Juillet, 1526 ;

2. Prononcé des Gouverneurs de Monthey et du val d'Aulph, de délimitation entre la montagne de Cuborrex et celle de Brouchioux, du 12 Juillet, 1564—et procès-verbal d'abornement du 17 du même mois ;

3. Traité de Paix et d'Alliance conclu à Thonon, le 4 Mars, 1663, entre le Duc Emanuel Philibert de Savoie, d'une part, l'Évêque de Sion, d'autre part ;

4. Traité de Turin, du 3 Juillet, 1737, au sujet des limites de propriété des montagnes, entre le Roi Charles Emmanuel de Sardaigne et leurs Excellences les Seigneurs de la République et État de Valais ;

5. Procès-verbal de la limitation des lieux limitrophes entre Monthey, signé en Abondance, à Châtel, le 19 Octobre, 1737, et 30 Août, 1733, y relatif ;

6. Procès-verbal de limitation de Balme et Catogne entre

d'une part, Valloursine et Chamonix, d'autre part, signé à Valloursine, 1738, et plan du 20 Août, 1733, y relatif ;

Procès-verbal de limitation de la montagne d'Émousson, soit Chésery (s), signé à Valloursine, le 9 Août, 1738, et plan des montagnes en et Barberine, du 28 Août, 1733, y relatif ;

Procès-verbaux finaux des Commissaires, signés à Valloursine, le 9 Août,

Procès-verbal de rétablissement de la limite du Pont de l'Is laz, signé à , le 1^{er} Août, 1787 ;

Procès-verbal de redressement d'une limite (borne (D), 8, du plan du 1733), entre le territoire de la République Française et celui de la e Valaisanne, signé le 5 Septembre, 1803 (18 Fructidor, an XI) ;

Procès-verbal de relèvement de limite entre la commune de Vallorcine, e des États de Sa Majesté le Roi de Sardaigne et celle de Finshauts, e du Valais, signé le 9 Juillet, 1827 (borne du Pont de l'Isle) ;

Procès-verbal de reconnaissance et de remplacement des bornes entre les Sa Majesté le Roi de Sardaigne sur les territoires des Communes de et Vallorcine, d'une part, et ceux de la République du Vallaris sur le du village des Jœurs et de la Commune de Martigny, d'autre part, llorcine, le 25 Juin, 1828 ;

pie, en date du 4 Septembre, 1845, d'un extrait, daté du 28 Avril, mappes Sardes de la pointe du Vaney (col de Coux) au Lac Léman.

Inviqué dans le procès-verbal de délimitation du 15 Août, 1862, "par États respectifs comme plan-limite officiel," porte la signature des ires Suisses et Sarde, avec mention qu'il est "celui auquel se rapporte verbal de délimitation des 25, 26, et 27 Août, 1856." Il est fait ce propos qu'une reconnaissance de la frontière entre le Valais et la u lieu en 1845, mais qu'on n'a pu retrouver ni en Suisse, ni en France, lie, le procès-verbal de délimitation de frontière entre le district de Monthey, et la Savoie, procès-verbal qui, à teneur des rapports du ire Valaisan, aurait été signé, le 27 Juillet, 1845, à Mondame ;

Procès-verbal de délimitation signé, le 27 Août, 1856, à Vouvry, canton entre les Commissaires de la Suisse et de la Sardaigne ;

Procès-verbal de délimitation signé, le 15 Août, 1862, à Vouvry (Valais) Commissaires Français et Suisse ;

Procès-verbal du replacement de la borne du col de Balme, signé, le 1862, entre les Commissaires de la France et du Valais, avec un croquis

Procès-verbal dressé au Châtelard, le 2 Août, et signé à Argentiè re le bre, 1886, entre les Commissaires de la Confédération Suisse et de la ne Française pour le relèvement de la borne du Pont de l'Isle ; ce bal est accompagné d'un croquis.

Description ci-après consacre le résultat de l'étude des documents qui d'être énumérés. Les rares modifications apportées au tracé ne sont rectifications sans importance, destinées à améliorer l'abornement. La historique ne subit de changement appréciable qu'entre les communes l et de Collombey-Muraz, où un échange de parcelles d'environ s a été jugé nécessaire pour attribuer à la France un terrain formant r le versant de Savoie, et à la Suisse, en compensation, une surface te sur les sommets.

Observations.

Les noms de lieux adoptés dans la présente description ont été sur le terrain par les Délégués chargés, au nom des deux Gouvernements, l'exécution des travaux préliminaires de délimitation. Lorsqu'un lieu porte plusieurs noms, la lettre (F) indique le nom employé habituellement par les habitants Français, la lettre (S) le nom employé de préférence par les habitants Suisses.

Les cotes d'altitude ont été prises sur les cartes actuelles des Alpes; quelques-unes ont été légèrement corrigées. Elles sont données avec les renseignements pouvant contribuer à préciser les points (cols ou vallées) auxquelles elles s'appliquent, mais ne doivent pas être considérées comme une valeur absolument exacte au point de vue du nivellement.

Les nombres qui accompagnent la description de l'emplacement des bornes ne sont qu'approximatifs. L'emplacement précis de chacune est défini rigoureusement dans les plans et les Tableaux d'abornement joints au procès-verbal de délimitation qui suivra la pose des bornes.

Indications Générales.

La frontière est formée—

Du Mont Dolent au col de Balme, par la ligne de partage des eaux entre le bassin de l'Arve en France et celui de la Drance Valaisanne;

Du col de Balme au Pont de l'Isle sur l'Eau-Noire, par une ligne de bornes (Nos. 1 à 12);

Du Pont de l'Isle sur l'Eau-Noire à la plaine d'Emosson (ou de la Barberine), près de Pierre-Blanche, par la rive gauche de l'Eau-Noire à la rive droite de la Barberine;

De la chute de la Barberine, près de Pierre-Blanche, jusque sous le Perron, par une ligne de bornes (Nos. 13 à 15);

Des Flûs, au-dessous du Perron, jusqu'au col de Tanneverge, par la ligne de partage des eaux séparant le bassin de la Barberine en Suisse de celui de l'Eau-Noire, de l'Eau-de-Bérard, puis du Giffre en France;

Au col de Tanneverge, par une ligne de bornes (Nos. 16 à 18);

Du col de Tanneverge au col de Coud, par la ligne de partage des eaux séparant les bassins du Giffre et de la Drance-du-Biot en France de celui de la Barberine, puis de celui de la Vièze, en Suisse;

Au col de Coud, par la même ligne de faite jalonnée au moyen de bornes (Nos. 19 à 21);

Du col de Coud à Grande-Conche, par la ligne de partage des eaux entre le bassin de la Vièze en Suisse et celui de la Drance-du-Biot en France;

De Grande-Conche à la pointe de Chésery, par une ligne de bornes (Nos. 22 à 30);

De la pointe de Chésery au Chalet-au-Bert (au sud-ouest de Morgins), par la ligne de partage des eaux séparant le bassin de l'Arve d'Abondance en France de celui de la Vièze en Suisse (un point de la frontière est fixé par la borne No. 31 placée au Plan-des-Mitres);

Du Chalet-au-Bert à la Tête-du-Tronchey, située près et au sud de Reculaz (F) ou de Croix (S), par une ligne de bornes (Nos. 32 à 74);

De la Tête-du-Tronchey jusqu'au col de Savalenaz (S) ou d'Arvon, par la ligne de partage des eaux séparant le bassin du Rhône Valaisan de celui de la Drance-d'Abondance en France;

Du col de *Savalenaz* ou d'*Arvouin* à la pointe d'*Arvouin*, par une ligne de bornes (Nos. 75 et 76) ;

De la pointe d'*Arvouin* au col de *Vernaz*, par la ligne de partage des eaux entre le bassin de la *Drance*-d'*Abondance* en France et celui du *Rhône* suisse ;

Du col de *Vernaz* au sommet des rochers de *Chaudin*, par une ligne de bornes (Nos. 77 à 82) ;

Du sommet des rochers de *Chaudin* au Mont des *Bovardes*, par la ligne de partage des eaux (deux points de cette partie sont fixés par les Nos. 83 et 84) ;

Du Mont des *Bovardes* à la *Dent-du-Velan*, par une ligne de bornes (Nos. 85 à 89) ;

De la *Dent-du-Velan* (No. 90) au sommet des *Nez* (No. 91), par la rive gauche du ravin des *Nez*, puis du sommet des *Nez* au pied des *Nez* près de *Haut-de-Morge*, par une ligne de bornes (Nos. 91 à 94) ;

À pied des *Nez*, près de *Haut-de-Morge*, à l'embouchure de la *Morge* dans le *Lac Léman*, par la rive droite de la *Morge* (trois points de cette partie sont fixés par les Nos. 95, 96, et 97).

Description de la Ligne Frontière.

Communes limitrophes.		
France.	Suisse.	
Orsières ..	Orsières ..	<p><i>Du Mont Dolent au Col de Balme.</i></p> <p>Le point commun aux frontières Franco-Suisse, Italo-Suisse, et Franco-Italienne est le sommet (altitude 3,830 mètres environ) du Mont Dolent, situé au croisement des chaînes de montagnes qui divisent les trois bassins de la <i>Drance</i> en Suisse, de l'<i>Arve</i> en France et de la <i>Dora-Baltea</i> en Italie, ayant à ses pieds les trois glaciers du Mont Dolent, d'<i>Argentière</i>, et de <i>Pré-du-Bar</i>, nettement séparé des sommets voisins par de profondes dépressions et présentant l'apparence presque géométrique d'une pyramide facile à distinguer de toute la région environnante.</p> <p>Les communes limitrophes en ce point sont celles de <i>Chamonix</i> en France et d'<i>Orsières</i> en Suisse.</p> <p>A partir du Mont Dolent, la frontière suit la ligne de partage des eaux entre le bassin de l'<i>Arve</i> en France et celui des <i>Drances Valaisannes</i> jusqu'au col de <i>Balme</i>. Elle se dirige d'abord vers le nord, en suivant la crête des <i>Aiguilles-Rouges</i>, traverse le col ou <i>Pas d'Argentière</i>, atteint le sommet du <i>Tour-Noir</i> dont l'altitude est d'environ 3,824 mètres, passe au col de <i>Tour-Noir</i> et prend la direction de nord-ouest. Elle passe ensuite successivement à l'<i>Aiguille d'Argentière</i>, cotée environ 3,901 mètres, au col du <i>Chardonnet</i>, puis à l'<i>Aiguille du Grand-Chardonnet</i> (altitude 3,823 mètres environ). De là, se dirigeant vers le nord-est, elle descend à la <i>Fenêtre du Tour</i> et remonte à la <i>Grande-Fourche</i> (altitude 3,617 mètres), où, du côté Suisse, finit la commune d'<i>Orsières</i> et commence celle de <i>Martigny-Combe</i>.</p>

Communes limitrophes.		
Française.	Suisse.	
Chamonix ..	Martigny-Combe	<p>La frontière traverse ensuite le col de puis, tournant vers le nord-ouest, suivent la Petite-Fourche, Tête du col du Tour, l'Aiguille du Tour (c'est-à-dire) enfin le Pissoir, où elle fait un saut vers le nord-est. Puis, décrivant une courbe dont la convexité est tournée vers le sud, elle passe au col des Grands et des Grands-Autannes.</p> <p>Dans toute la partie qui précède, de Balme à Dolent, la ligne de partage des eaux de la frontière, est partout déterminée par des formes suffisamment claires par les formes du terrain, son tracé ne prête à aucun doute.</p> <p>Des Grands-Autannes au col de Balme, la frontière descend en pente raide par une crête jusqu'à la borne No. 1, placée au col, la plus méridionale des deux petites bornes qui forment le col.</p> <p style="text-align: center;"><i>Du Col de Balme au Pont de l'Isle Noire).</i></p> <p>A partir de ce point la frontière suit une ligne de bornes qui, après avoir monté jusqu'à la borne No. 1, Frêtes, descend, en séparant la commune Française de Charamillon des pâturages de Catogne près de la Grand-Jeu, jusqu'à la borne No. 12, placée contre le Pont de l'Isle Noire.</p> <p>Cette ligne est conforme aux indications suivantes :—</p> <p><i>Borne No. 1.</i>—Placée au sud des auberges de Balme, dans la plus méridionale des dépressions qui forment le col.</p> <p>Distance à la borne suivante : environ 100 mètres.</p> <p>Entre les bornes 1 et 2, tracé en ligne droite, la ligne passe entre les deux auberges de Balme).</p> <p><i>Borne No. 2.</i>—Sur la déclivité (vers le sud) du mamelon qui sépare les deux communes formant le col, au nord des auberges de Balme.</p> <p>Distance à la borne suivante : environ 100 mètres.</p> <p>Entre les bornes 2 et 3, tracé en ligne droite.</p> <p><i>Borne No. 3.</i>—Au sommet de la crête des Frêtes.</p> <p>Distance à la borne suivante : environ 100 mètres.</p> <p>Entre les bornes 3 et 4, tracé en ligne droite.</p> <p><i>Borne No. 4.</i>—Au sommet d'un petit rocheux, au point où finit, du côté de la commune de Chamonix et commune de Vallorcine.</p> <p>Distance à la borne suivante : environ 100 mètres.</p> <p>Entre les bornes 4 et 5, tracé en ligne droite.</p> <p>La ligne 4-5 rase l'extrémité est d'un rocher marécageux situé sur le territoire l</p>
Chamonix et Vallorcine	Martigny-Combe	

Communes limitrophes.

Française.

Suisse.

A la borne 4, la frontière quitte la ligne de partage des eaux entre le bassin de l'Arve et celui du Rhône Valaisan, pénètre dans celui-ci et ne rejoint la ligne de partage des eaux qu'au Cheval-Blanc. (Voir plus loin : section des Flû au col de Tanneverge.)

Borne No. 5.—Près du bord du changement de pente qui suit le plateau où se trouve le petit étang Français rasé par la ligne 4-5.

Distance à la borne suivante : environ 181 mètres. Entre les bornes 5 et 6, tracé en ligne droite.

Borne No. 6.—Un peu au-dessus d'un petit escarpement.

Distance à la borne suivante : environ 444 mètres. Entre les bornes 6 et 7, tracé en ligne droite.

Borne No. 7.—Près du pâturage dit Montagne des Lanches.

Distance à la borne suivante : environ 165 mètres. Entre les bornes 7 et 8, tracé en ligne droite.

Un ruisseau nommé ruisseau de la Montagne de Balme coule parallèlement à la frontière et à 150 mètres environ plus à l'ouest.

Borne No. 8.—Un peu au-dessus d'un petit escarpement rocheux.

Distance à la borne suivante : environ 641 mètres. Entre les bornes 8 et 9, tracé en ligne droite.

Entre les bornes 8 et 9, la ligne laisse à l'est les chalets de la Grand'Jeur, puis entre dans la Forêt-Verte.

Borne No. 9.—Sur un petit mamelon rocheux.

Distance à la borne suivante : environ 97 mètres.

Entre les bornes 9 et 10, tracé en ligne droite.

Borne No. 10.—Près du bord de l'arête rocheuse qui domine la vallée de l'Eau-Noire.

Distance à la borne suivante : environ 524 mètres.

Entre les bornes 10 et 11, tracé en ligne droite.

Borne No. 11.—Contre un sentier, sur une petite crête rocheuse, dans la Forêt-Verte.

Distance à la borne suivante : environ 242 mètres.

Entre les bornes 11 et 12, tracé en ligne droite, sous la réserve qui suit relativement au Pont de l'Isle.

Borne No. 12.—Près du Pont de l'Isle, sur la rive gauche de l'Eau-Noire, sur le côté nord-ouest de la route de Chamonix à Martigny. La borne est à hauteur et près du dé du garde-corps amont du pont.

Le Pont de l'Isle, bien qu'obliquement coupé près de son extrémité par la ligne droite reliant les bornes 11 et 12, fait, ainsi que le sol sur lequel reposent ses fondations, partie du territoire Français.

A l'Eau-Noire finit, du côté Suisse, la commune de Martigny-Combe et commence celle de Finshauts.

Communes limitrophes.		
Française.	Suisse.	
Vallorcine ..	Finshauts ..	<p><i>Du Pont de l'Isle (sur l'Eau-Noire d'Émosson (Chute de la Barberine-Pierre-Blanche).</i></p> <p>A partir de la borne No. 12 la limite traverse le lit de la Barberine avec cette rivière, Noire s'appliquant au cours d'eau col des Montets et de l'Eau-de-Isle de Barberine s'appliquant au torrent d'Émosson et du Mont Ruan. La limite traverse le lit de la Barberine, ensuite la rive droite jusqu'au lieu dit Pierre-Blanche jusqu'au point où la Barberine coulé sur le haut plateau d'Émosson un étranglement rocheux pour se précipiter en cascades vers la vallée de l'Eau-Noire. Il est convenu que par rive gauche de la Barberine, puis par rive droite de la Barberine, doit entendre le sommet de la borne 14, dante, c'est-à-dire, du petit talus en pente raide ou de petit escarpement qui borde immédiatement le col de la Barberine, façon à comprendre seulement l'espace à l'écoulement des grandes eaux des ponts construits ou à construire.</p> <p><i>De la Chute de la Barberine (Pierre-Blanche) jusque près des Flûs (Perron).</i></p> <p>La frontière cesse d'être marquée par la borne 12 de la Barberine à partir du point où la Barberine est rencontrée par la ligne droite de la borne 14, prolongée vers l'est; et cette ligne droite jusqu'à la borne 15, à partir de cette borne, une ligne droite marquée par les bornes 13, 14, 15, sous la forme aux indications suivantes :—</p> <p><i>Borne No. 13.</i>—Au sommet d'un rocher, à 3 m. 25 c. environ (distance horizontale) de l'aplomb du bord de la Barberine.</p> <p>Distance à la borne suivante : environ 100 m.</p> <p>Entre les bornes 13 et 14, tracé en ligne droite.</p> <p><i>Borne No. 14.</i>—Inscription gravée sur un rocher vertical, et tournée vers l'est, le rocher en saillie vers la Barberine, le pied nord est baigné par cette rivière. Le rocher porte encore la date de 1738 et les armoiries de cette époque.</p> <p>Distance à la borne suivante : environ 100 m.</p> <p>Entre les bornes 14 et 15, tracé en ligne droite.</p> <p><i>Borne No. 15.</i>—Inscription gravée sur un rocher verticale et tournée vers l'est, versant nord de la crête des Flûs, qui conduit du village de Barberine à l'Eau-Noire. Ce rocher porte encore la date de 1738 et les armoiries de cette époque.</p>

Communes limitrophes.

Française. | Suisse.

Depuis les Flû (au-dessous du Perron) jusqu'au Col de Tanneverge.

Le rocher qui porte le No. 15 ne se trouvant pas sur la ligne de partage des eaux, il est convenu qu'à partir de ce point la limite est formée par une ligne droite formant avec la direction 15-14 un angle d'environ 168 grades 70 minutes. Cette ligne a été choisie comme se dirigeant vers le premier sommet aigu, facile à reconnaître depuis la plaine d'Emosson, dans l'arête montagnaise qui sépare le bassin de la Barberine de celui de l'Eau-Noire. A partir du point où cette ligne droite rencontre la ligne de partage des eaux, la frontière se confond avec celle-ci, en suivant la crête dont les points les plus remarquables sont : l'Aiguille du Vent, le Grand-Perron, la brèche du Perron, l'Aiguille du Charinoz, et le col du Sassey ou de la Terrasse.

Toute cette ligne rocheuse, très escarpée, à la direction générale du nord-est au sud-ouest jusqu'à un point coté environ 2,757 mètres. Tournant, à partir de là, vers le nord-ouest, la limite, suivant toujours la ligne de partage des eaux, descend au col du Vieux et remonte au sommet du Cheval-Blanc, coté environ 2,841 mètres, où elle rejoint, à l'extrémité de l'arête du Grenairon, la chaîne principale venant du col des Montets et du Buet.

Au Cheval-Blanc finit, du côté Français, la commune de Vallorcine et commence celle de Sixt.

A partir de ce sommet la frontière prend la direction générale du nord-nord-est, passe successivement au col du Grenairon et au col ou Bas-des-Cavales et atteint la pointe de la Finive (S) dite aussi pointe de Patriond (F) (altitude : 2,877 mètres environ), où, du côté Suisse, finit la commune de Finshauts et commence celle de Salvan.

Puis, déterminée toujours par la ligne de partage des eaux, la frontière descend jusqu'à la borne No. 16, placée sur un petit mamelon au sud du col de Tanneverge.

Col de Tanneverge.

Aux environs immédiats de ce col, la limite est marquée par les bornes 16, 17, et 18, conformément aux indications suivantes :—

Borne No. 16.—Sur une éminence au sud du col. Distance à la borne suivante : environ 103 mètres. Entre les bornes 16 et 17, tracé en ligne droite.

Borne No. 17.—Au milieu du col, à environ 154 mètres du signal géodésique Français.

Distance à la borne suivante : environ 70 mètres. Entre les bornes 17 et 18, tracé en ligne droite.

Borne No. 18.—Au bord d'un escarpement rocheux, au nord du col.

Communes limitrophes.		
Française.	Suisse.	
		<i>Du Col de Tanneverge au Col de</i>
		A partir de la borne No. 18 la confond de nouveau avec la ligne eaux. Elle monte d'abord à Tanneverge, cotée environ 2,982 dans la direction du nord-nord-ouest escarpée émergeant de descendente sur les deux versants ainsi à la pointe des Rosses, puis même nom, pour arriver au sommet Mont Ruan, dont l'altitude est de 2,774 mètres.
		Au Grand Mont Ruan finit, du côté de la commune de Salvan et commence celle de Champéry.
Sixt ..	.. Évionnaz ..	Après ce sommet, la frontière, continue la ligne de partage des eaux, prend la direction de l'ouest; courant des glaciers, elle passe au Petit Mont Tour de Suzanne et descend par l'arête dénudée en pente douce au col puis elle remonte au sommet du col et arrive ainsi au point (altitude 2,774 mètres) d'où se détache la commune de Bonnavaux et qui est en même temps la séparation des communes Suisses de Champéry.
Sixt ..	.. Champéry ..	Elle suit alors la cime de la ligne des rochers escarpés que l'on nomme les Blanches, passe à la brèche de l'Aulla et atteint le signal de Foilly environ 2,700 mètres), où, du côté de la commune de Sixt et commence celle de Samoëns.
Samoëns ..	.. Champéry ..	A l'ouest du signal de Foilly, les bornes dont l'arête continue à former la ligne se prolongent encore de 700 mètres à l'ouest. Puis la frontière, suivant la ligne de partage des eaux entre le Valaisan et les Drances Savoyennes direction générale du nord-nord-ouest successivement au col de Bostan même nom, au col de Bretolet signal de la Berthaz ou de Berroix dans la série des bornes-frontières
		<i>Col de Cour.</i>
		Du signal de la Berthaz au col de Cour de faite continue à former la frontière néanmoins jugé nécessaire de la marquer d'une borne No. 21, conformément aux indications de la Borne No. 19.—Formée par le signal de la Berthaz ou de Berroix. Distance en ligne droite à la borne No. 21 environ 192 mètres. Entre les bornes 19 et 20, la frontière continue la ligne de partage des eaux.

Communes limitrophes.

Française.

Suisse.

Borne No. 20.—Près d'un petit col au sud de la croix plantée au-dessus de la petite auberge actuelle.

Distance en ligne droite à la borne suivante : environ 93 mètres.

Entre les bornes 20 et 21, la frontière suit la ligne de partage des eaux.

Borne No. 21.—Un peu au sud et au-dessus du chemin qui traverse le col.

Du Col de Coux à Grande-Conche.

Au delà du col de Coux la frontière suit, avec la ligne de partage des eaux, la direction du nord, passe sur le sommet des rochers de Vannez et arrive à la pointe de la Léchère cotée environ 2,174 mètres, où du côté Français finit la commune de Samoëns et commence celle de Morzine.

Même ... Champéry ..

Elle atteint ensuite la pointe de l'Aiguille ou de Fornet, dont l'altitude est d'environ 2,306 mètres, se dirige vers le nord-est, passe successivement, en suivant toute la cime de la Montagne d'Avoréaz, au col de Bassachaux, à la pointe de Lécheroz (2,206 mètres), au passage de Lécheroz ou de Chavanette et atteint la pointe de Chavanette (2,224 mètres), où, du côté Français, finit la commune de Morzine et commence celle de Montrond.

Métrond ... Champéry ..

De là elle descend au col de Cuboré ou Cuborrex. Dans toute la chaîne montagneuse qui s'étend du col de Coux au col de Cuboré et qui sépare le bassin des Dranches Savoisiennes de celui du Rhône Valaisan, plus particulièrement le bassin de la Drance du Biot de celui de la Vièze, la ligne de faite servant de frontière est très clairement déterminée par ses formes bien accusées.

Du col de Cuboré, la frontière, suivant toujours la même ligne de partage des eaux, monte sur Grande-Conche, où se trouve la borne No. 22.

De Grande-Conche à la Pointe de Chésery.

Montrond ... Trois-Torrents

La borne No. 22 est placée sur la plus septentrionale des deux petites pointes de Grande-Conche (altitude : environ 2,139 mètres). À partir de ce point, où finit du côté Suisse la commune de Champéry et commence celle de Trois-Torrents, la démarcation est déterminée par une ligne de bornes (Nos. 22 à 30), conformément aux indications suivantes :—

Borne No. 22.—Sur la plus septentrionale des deux pointes de Grande-Conche.

Distance à la borne suivante : environ 448 mètres.

Entre les bornes 22 et 23, tracé en ligne droite.

Communes limitrophes.		
Française.	Suisse.	
		<p><i>Borne No. 23.</i>—Sur la déclivité vers le petit mamelon dans le pâturage de la commune de Châtel.</p> <p>Distance à la borne suivante : environ 100 mètres.</p> <p>Entre les bornes 23 et 24, tracé en ligne droite.</p> <p><i>Borne No. 24.</i>—Entre deux ruisseaux dans un vallon.</p> <p>Distance à la borne suivante : environ 100 mètres.</p> <p>Entre les bornes 24 et 25, tracé en ligne droite.</p> <p><i>Borne No. 25.</i>—Au sommet d'un petit mamelon.</p> <p>Distance à la borne suivante : environ 100 mètres.</p> <p>Entre les bornes 25 et 26, tracé en ligne droite.</p> <p><i>Borne No. 26.</i>—Au sommet d'un petit mamelon.</p> <p>Distance à la borne suivante : environ 100 mètres.</p> <p>Entre les bornes 26 et 27, tracé en ligne droite.</p> <p><i>Borne No. 27.</i>—Sur un petit tertre au nord-est et à l'est du sentier.</p> <p>Distance à la borne suivante : environ 100 mètres.</p> <p>Entre les bornes 27 et 28, tracé en ligne droite.</p> <p><i>Borne No. 28.</i>—Au bord de la pente de la commune de Châtel à l'ouest du sentier.</p> <p>Distance à la borne suivante : environ 100 mètres.</p> <p>Entre les bornes 28 et 29, tracé en ligne droite.</p> <p><i>Borne No. 29.</i>—Inscription sur un bloc isolé, situé sur le versant Suisse, au col de Chésery ou de Chaux-Fleurie, commune de Pierraz-Miaux.</p> <p>Ce rocher porte la croix de Savoie et est gravé de l'année 1792.</p> <p>Valais, qui y ont été gravés autrefois.</p> <p>A la Pierraz-Miaux finit, du côté de la commune de Montriond et commence celle d'Abondance.</p> <p>Distance à la borne suivante : environ 100 mètres.</p> <p>Entre les bornes 29 et 30, tracé en ligne droite.</p> <p><i>Borne No. 30.</i>—Au nord-est du col de Chaux-Fleurie, près et à l'ouest du lac, sur un ressaut de la pente qui mène à la pointe de Chésery.</p> <p>La partie qui s'étend depuis la borne 30 jusqu'à la pointe de Chésery, se trouve sur le versant Français, dont les pentes est ainsi laissé à la Suisse ; le col au nord se trouve au contraire sur le versant Suisse ; en sorte que le col de Chaux-Fleurie, qu'on appelle encore le col de Chésery, est laissé sur territoire Suisse.</p> <p>Au nord de la borne No. 30 la chaîne est formée par la ligne droite qui joint la commune de Châtel à la pointe de Chésery, appelée aussi la pointe de Beuret. Cette pointe, élevée d'environ 2,250 mètres, est le point où se détache à l'ouest la chaîne qui forme la Drance du Biot de la Drance d'Abondance. A l'est, du côté Français, la commune de Châtel finit, du côté Français, la commune de Châtel et commence celle de Châtel.</p>
Montriond et Abondance	Trois-Torrents	

Communes limitrophes.

Française.

Suisse.

De la Pointe de Chésery au Châlet-au-Bert (au sud-ouest du Col de Morgins).

Châlet .. Trois-Torrents

La pointe de Chésery fait partie de la ligne de partage des eaux entre le bassin des Drances Savoyennes et celui du Rhône Valaisan (plus précisément du bassin de la Vièze). A partir de ce sommet jusqu'à la borne No. 32, placée près du Châlet-au-Bert, au-dessus et au sud-ouest du col de Morgins, la frontière suit cette ligne de partage, allant comme direction générale du sud-ouest au nord-est. Elle descend d'abord au col de la Chaux des Rosées, passe par le sommet des trois pointes auxquelles on donne le nom de Cornebois, puis au col de la Chaux des Châtelets et atteint le sommet appelé en Suisse Tête du Géant et en France le Boccor (altitude 2,235 mètres environ). Elle suit alors une crête que les Français nomment : Sur-les-Combes, et les Suisses : Arête des Rochers et dont le point le plus élevé, coté environ 2,162 mètres, est désigné sous les noms de Lingaa ou de la Chon. L'Arête des Rochers ou de Sur-les-Combes finit au col de Fecon. De ce col la frontière remonte au Vêla du Pertuis (dont l'altitude est de 1,901 mètres environ) et redescend par une crête étroite, à peine inclinée en pente très douce, au plan des Mitres (1,881 mètres). En ce point la ligne de faite se dédouble. La ligne principale de partage des eaux s'affaisse brusquement à l'est, semblant se détacher de la ligne secondaire et, par des mouvements de terrain aux formes molles et indécises, va passer au point le plus élevé du col de Morgins dit Pertuis de Morgins (altitude 1,386 mètres environ), c'est-à-dire, à l'extrémité méridionale du plateau marécageux et légèrement incliné qui forme l'ensemble du col de Morgins ; de là elle remonte à la Pointe du Corbeau. La ligne secondaire, bien mieux marquée, prolonge vers le nord la direction venant du col de Fecon, en se maintenant encore longtemps à une altitude plus forte que la ligne principale et en conservant la forme d'une arête nettement accusée ; elle passe ainsi à la Pointe du Midi (1,859 mètres), descend en pente assez raide jusqu'au Châlet-au-Bert bâti sur un petit ressaut de terrain et va finir en pente très raide, au point le moins élevé du col de Morgins dit Pas de Morgins (altitude 1,380 mètres), c'est-à-dire, à l'extrémité septentrionale du plateau marécageux dont il a été question plus haut.

C'est sur ce chaînon secondaire que passe la frontière, en suivant d'abord la ligne de faite jusqu'après du Châlet-au-Bert, puis une ligne de bornes jusqu'au Pas de Morgins, près de l'oratoire élevé en ce point.

A l'endroit où la ligne de faite se dédouble, la frontière est marquée par la borne No. 31.

Communes limitrophes.		
Française.	Suisse.	
		<p><i>Borne No. 31</i> (altitude : environ 1,881 mètres).— Sur la ligne de partage des eaux, au lieu dit le Plan des Mitres, à la bifurcation des deux lignes de faite se dirigeant l'une sur le Pertuis, l'autre sur le Pas de Morgins.</p> <p>Distance en ligne droite à la borne suivante : environ 785 mètres.</p> <p>Entre les bornes 31 et 32 la frontière suit la ligne de faite secondaire par la Pointe du Midi.</p> <p><i>Du Châlet-au-Bert à la Tête du Tronchey, situés près et au sud du Col de la Reculaz (F) ou de Croix (S).</i></p> <p>A partir de la borne No. 32, placée près du Châlet-au-Bert, la frontière suit une ligne ininterrompue de bornes jusqu'à celle qui porte le No. 74 et qui est placée au sommet du lieu dit le Tronchey, à l'est du col de la Reculaz (F) ou de Croix (S). Les premières (Nos. 31 à 36) déterminent la limite depuis le Châlet-au-Bert jusqu'au Pas de Morgins et sont placées conformément aux indications suivantes :—</p> <p><i>Borne No. 32.</i>—Au pied de la pente venant de la Pointe du Midi, à l'extrémité ouest du ruisseau sur lequel est bâti le Châlet-au-Bert, au nord-ouest de ce châlet.</p> <p>Distance à la borne suivante : environ 78 mètres.</p> <p>Entre les bornes 32 et 33, tracé en ligne droite.</p> <p><i>Borne No. 33.</i>—Au nord-est du Châlet-au-Bert, au bord de la forêt et de la pente descendant vers l'oratoire du Pas de Morgins.</p> <p>Distance à la borne suivante : environ 165 mètres.</p> <p>Entre les bornes 33 et 34, tracé en ligne droite.</p> <p><i>Borne No. 34.</i>—Au commencement de la tranchée forestière descendant sur l'oratoire du Pas de Morgins.</p> <p>Distance à la borne suivante : environ 114 mètres.</p> <p>Entre les bornes 34 et 35, tracé en ligne droite.</p> <p><i>Borne No. 35.</i>—Dans la tranchée forestière descendant sur l'oratoire du Pas de Morgins.</p> <p>Distance à la borne suivante : environ 139 mètres.</p> <p>Entre les bornes 35 et 36, tracé en ligne droite.</p> <p><i>Borne No. 36.</i>—A l'est de la route de Châtel à Morgins, près et au sud de l'oratoire du Pas de Morgins.</p> <p>Après le Pas de Morgins la ligne des bornes se développe sur le versant Français, d'abord à travers la forêt qui domine le col à l'est, puis en coupant l'arête qui part de la Pointe du Corbeau et finit au-dessus de Châtel, ensuite en traversant la partie supérieure de la vallée de Conche, au-dessous du lac du Goliet (S) ou de Conche (F) et en remontant le flanc septentrional de cette vallée. Elle regagne, à la borne No. 57, placée sur la Montagne de Morena, la ligne de partage des eaux qui sépare le bassin de la Drance d'Abondance de celui du Rhône.</p>

Communes limitrophes.

Française.

Suisse.

Valaisan et la suit jusqu'à la borne No. 61, placée un peu au sud du col d'Onnaz, vers l'extrémité de l'arête descendant de la pointe des Ombrieux. Elle rentre ensuite sur le versant Français, en jalonnant à peu près le haut des pentes qui encadrent la Combe de Barmissine, puis en coupant le haut pâturage de Chaux-Longe, jusqu'à la borne No. 70, placée dans un petit col au nord de ce pâturage et au nord-est du signal géodésique de la Tour du Don. Elle atteint enfin la borne No. 74, soit par des lignes droites de borne à borne, soit en suivant le bord des escarpements.

Les détails de ce tracé sont conformes aux indications suivantes :—

Borne No. 36.—Placée comme il est dit plus haut, près et au sud de l'oratoire du Pas de Morgins, à l'est de la route de Châtel à Morgins.

Distance à la borne suivante : environ 421 mètres.

Entre les bornes 36 et 37, tracé en ligne droite.

Borne No. 37.—Sur un petit tertre dans la tranchée forestière.

Distance à la borne suivante : environ 128 mètres.

Entre les bornes 37 et 38, tracé en ligne droite.

Borne No. 38.—Sur un petit tertre dans la tranchée forestière, un peu au-dessus d'un sentier, à peu près au sommet de la clairière de Mazet, qui est sur le territoire Français.

Distance à la borne suivante : environ 249 mètres.

Entre les bornes 38 et 39, tracé en ligne droite.

Borne No. 39.—Dans la tranchée forestière.

Distance à la borne suivante : environ 183 mètres.

Entre les bornes 39 et 40, tracé en ligne droite.

Borne No. 40.—Inscription dans la paroi verticale et face à l'ouest d'un rocher situé un peu au-dessus d'un sentier. Ce rocher porte encore les armoiries de la Savoie et du Valais et la date 1737.

Distance à la borne suivante : environ 203 mètres.

Entre les bornes 40 et 41, tracé en ligne droite.

Borne No. 41.—Dans la tranchée forestière.

Distance à la borne suivante : environ 259 mètres.

Entre les bornes 41 et 42, tracé en ligne droite.

Borne No. 42.—Sur la crête descendant de la pointe du Corbeau vers Châtel, au-dessus d'un rocher appelé Rocher du Cheval-Blanc.

A cette borne finit, du côté Suisse, la commune de Trois-Torrents et commence celle de Collombey-Muraz.

Distance à la borne suivante : environ 75 mètres.

Entre les bornes 42 et 43, tracé en ligne droite.

Borne No. 43.—Inscription dans la paroi verticale et faisant face au nord-est des rochers dits du Cheval-Blanc, près du pied de la paroi.

Distance à la borne suivante : environ 134 mètres.

Entre les bornes 43 et 44, tracé en ligne droite.

Châtel

Trois-Torrents
et Collombey-Muraz

Communes limitrophes.

Française.

Suisse.

Borne No. 44.—Sur la rive gauche du ru coule vers les Mouilles de Conche, du sentier qui longe le ruisseau.
Distance à la borne suivante : environ 65.
Entre les bornes 44 et 45, tracé en ligne d.

Borne No. 45.—Au sommet de la pente forme le flanc septentrional du v ruisseau coulant vers les Mouilles de se trouve dans la tranchée forestière.
Distance à la borne suivante : environ 99.
Entre les bornes 45 et 46, tracé en ligne d.

Borne No. 46.—Inscription dans u rocheuse verticale faisant face à l'oue retrouvent la date de 1737 et les gravées à cette époque.
Distance à la borne suivante : environ 20.
Entre les bornes 46 et 47, tracé en ligne d.

Borne No. 47.—Sur une petite crête douce, dans la tranchée forestière.
Distance à la borne suivante : environ 17.
Entre les bornes 47 et 48, tracé en ligne d.

Borne No. 48.—Dans la tranchée et partie presque horizontale de la forêt.
Distance à la borne suivante : environ 14.
Entre les bornes 48 et 49, tracé en ligne d.

La ligne 48-49 passe à 180 mètres en nord-ouest du lac de Goliet (S) ou de C qui est sur le territoire Suisse.

Borne No. 49.—Dans la partie presque h du vallon de Conche, près et au sud d de Châtel à Vionnaz par "Sur le Cermoux.
Distance à la borne suivante : environ 26.
Entre les bornes 49 et 50, tracé en ligne d.

Borne No. 50.—Dans la tranchée fores bas d'une pente assez raide.
Distance à la borne suivante : environ 25.
Entre les bornes 50 et 51, tracé en ligne d.

La tranchée forestière qui va de la borne borne 53 laisse à l'est la forêt S Chermillon et à l'ouest la forêt Fra Cernié.

Borne No. 51.—Dans la tranchée forestière
Distance à la borne suivante : environ 12.
Entre les bornes 51 et 52, tracé en ligne d.

Borne No. 52.—A la sortie de la forêt.
Distance à la borne suivante : environ 22.
Entre les bornes 52 et 53, tracé en ligne d.

Borne No. 53.—Au-dessus du comm d'une ligne d'arbres dont elle est sépar fossé.
Distance à la borne suivante : environ 67.
Entre les bornes 53 et 54, tracé en ligne d.

Borne No. 54.—Sur le bord d'un sentier.
Distance à la borne suivante : environ 91.
Entre les bornes 54 et 55, tracé en ligne d.

Communes limitrophes.

Français.	Suisse.
	<p><i>Borne No. 55.</i>—Sur la pente sud descendant de Morclan. Distance à la borne suivante : environ 99 mètres. Entre les bornes 55 et 56, tracé en ligne droite.</p> <p><i>Borne No. 56.</i>—Sur la pente sud descendant de Morclan. Distance à la borne suivante : environ 54 mètres. Entre les bornes 56 et 57, tracé en ligne droite.</p> <p><i>Borne No. 57.</i>—Sur la ligne de partage des eaux, à l'est du sommet de la Montagne de Morclan. Distance en ligne droite à la borne suivante : environ 60 mètres. Entre les bornes 57 et 58, la frontière suit la ligne de partage des eaux.</p> <p><i>Borne No. 58.</i>—Dans une très faible dépression de la ligne de partage des eaux en forme de col. Distance en ligne droite à la borne suivante : environ 280 mètres. Entre les bornes 58 et 59, la frontière suit la ligne de partage des eaux.</p> <p><i>Borne No. 59.</i>—Au milieu du col de Folière. Distance en ligne droite à la borne suivante : environ 184 mètres. Entre les bornes 59 et 60, la frontière suit la ligne de partage des eaux.</p> <p><i>Borne No. 60.</i>—Au sommet de la pointe rocheuse et escarpée des Ombrioux. Distance en ligne droite à la borne suivante : environ 345 mètres. Entre les bornes 60 et 61, la frontière suit la ligne de partage des eaux.</p> <p><i>Borne No. 61.</i>—Un peu au sud du col appelé Portes d'Onnaz. Distance à la borne suivante : environ 168 mètres. Entre les bornes 61 et 62, tracé en ligne droite.</p> <p><i>Borne No. 62.</i>—Un peu au-dessus du sommet de la pente qui descend vers la Combe de Barmissine. Distance à la borne suivante : environ 41 mètres. Entre les bornes 62 et 63, tracé en ligne droite.</p> <p><i>Borne No. 63.</i>—Un peu au-dessus du sommet de la pente qui descend vers la Combe de Barmissine. Distance à la borne suivante : environ 157 mètres. Entre les bornes 63 et 64, tracé en ligne droite.</p> <p><i>Borne No. 64.</i>—Un peu au-dessus du sommet de la pente qui descend vers la Combe de Barmissine. Distance à la borne suivante : environ 109 mètres. Entre les bornes 65 et 66, tracé en ligne droite.</p> <p><i>Borne No. 65.</i>—Un peu au-dessus du sommet de la pente qui descend vers la Combe de Barmissine. Distance à la borne suivante : environ 137 mètres. Entre les bornes 65 et 66, tracé en ligne droite.</p> <p><i>Borne No. 66.</i>—Dans le pâturage de Chaux-Longe. Distance à la borne suivante : environ 129 mètres. Entre les bornes 66 et 67, tracé en ligne droite.</p>

Communes limitrophes.		
Française.		Suisse.
Châtel ..		Collombey-Muraz
		<p><i>Borne No. 67.</i>— Dans le pâturage de Châtel au milieu d'une faible dépression de vallon.</p> <p>Distance à la borne suivante : environ 70 mètres.</p> <p>Entre les bornes 67 et 68, tracé en ligne droite.</p> <p><i>Borne No. 68.</i>— Dans le pâturage de Châtel sur un mouvement de terrain en forme d'âne.</p> <p>Distance à la borne suivante : environ 54 mètres.</p> <p>Entre les bornes 68 et 69, tracé en ligne droite.</p> <p><i>Borne No. 69.</i>— Au sommet du dos d'âne, on trouve la borne 68, au sud-est d'une mare presque toujours desséchée, dite Mare Longe ou Creux-Dessus.</p> <p>Distance à la borne suivante : environ 75 mètres.</p> <p>Entre les bornes 69 et 70, tracé en ligne droite.</p> <p>La ligne 69-70 laisse entièrement sur le territoire Français la mare de Chaux-Longe.</p>
Châtel ..	Vionnaz ..	<p><i>Borne No. 70.</i>— Dans un col au nord-ouest du Tour du Don.</p> <p>A la borne No. 70 finit, du côté Suisse, la commune de Collombey-Muraz et commence celle de Vionnaz.</p> <p>Distance en ligne droite à la borne suivante : environ 156 mètres.</p> <p>Entre les bornes 70 et 71, la frontière suit la ligne de l'arête rocheuse.</p> <p><i>Borne No. 71.</i>— Près du sommet de l'arête rocheuse.</p> <p>Distance en ligne droite à la borne suivante : environ 385 mètres.</p> <p>Entre les bornes 71 et 72, la frontière suit la ligne de l'arête rocheuse, puis la ligne de partage des eaux.</p> <p><i>Borne No. 72.</i>— Au centre d'un petit col, du bas-fond appelé Creux-Dessous.</p> <p>Distance en ligne droite à la borne suivante : environ 64 mètres.</p> <p>Entre les bornes 72 et 73 la frontière suit la ligne de partage des eaux.</p> <p><i>Borne No. 73.</i>— A l'extrémité nord d'un vallon venant de la borne No. 74.</p> <p>Distance en ligne droite à la borne suivante : environ 220 mètres.</p> <p>Entre les bornes 73 et 74, la frontière suit la ligne de partage des eaux.</p> <p><i>Borne No. 74.</i>— Au sommet de la montagne du Tronchey, dit Tête du Tronchey.</p> <p><i>De la Tête du Tronchey jusqu'au Col Savalenaz (S) ou d'Arrouin (F).</i></p> <p>A partir de la borne No. 74 la frontière suit constamment la ligne de partage des eaux du bassin de la Drance d'Abondance et du Rhône Valaisan jusqu'au col de Savalenaz (S) ou d'Arrouin (F) où se trouve placée la borne No. 75.</p>

Communes limitrophes.		
Française.	Suisse.	
		<p>La direction générale de cette ligne va du sud-est au nord-ouest.</p> <p>Séparant des pentes bien accusées du côté Français, plus souvent abruptes du côté Suisse, la ligne de faite servant de frontière est partout nettement marquée.</p> <p>Les points principaux qu'elle rencontre sont, après la borne No. 74 :</p> <p>Le col de la Reculaz (F) ou de Croix (S) ;</p> <p>La montagne et l'arête rocheuse du Mouët. Vers la pointe nord de cette arête (cotée environ 1,925 mètres) finit, du côté Français, la commune de Châtel et commence celle de la Chapelle ;</p>
La Chapelle .	Vionnaz ..	<p>La pointe rocheuse du Scex rouge (altitude : 1,876 mètres environ) ;</p> <p>Le col de la Basse (F) ou de Chétillon (S) ;</p> <p>Le sommet de la Grand-Chaux, sur lequel a été placé le signal géodésique dit de Recon et qui est soutenu du côté sud-est par des escarpements rocheux. De là, la ligne de faite s'abaisse par une pente douce régulière d'abord vers l'ouest jusqu'à la corne de Rapenaz, puis vers le nord jusqu'au col de Recon (F et S) ou de Rapenaz (F).</p> <p>Au-dessous et à l'est du col de Rapenaz, ou de Recon, se trouve, sur le territoire Suisse, le Luisset ou la Houssaie (petit lac) de Recon.</p> <p>La frontière passe ensuite :</p> <p>Par la Tretze ou Teurtce (mamelon séparant le col de Recon de celui de Braita) ;</p> <p>Par le col de Braita (F) ou de Conche (S) ;</p> <p>Par l'Avouëlle (aiguille), petits rochers dominant les châteaux Français de Braita ;</p> <p>Par le col d'Outanne ;</p> <p>Par le Mont Linleux ou Lenla (altitude : 2,100 mètres environ), d'où se détache vers l'est la longue arête des rochers de Savalenaz.</p> <p>Au Mont Linleux ou Lenla finit la commune Suisse de Vionnaz et commence celle de Vouvry.</p>
La Chapelle .	Vouvry ..	<p>De ce sommet, la frontière, toujours constituée par la ligne de partage des eaux, incline d'abord vers l'ouest, puis s'abaisse brusquement vers le nord jusqu'au col de Savalenaz (S) ou d'Arvouin (F).</p> <p style="text-align: center;"><i>Du Col de Savalenaz ou d'Arvouin à la Pointe d'Arvouin.</i></p> <p>Après ce col la démarcation remonte par une pente gazonnée, appelée Proz-Tétaz, jusqu'au rocher désigné sous le nom de Scex du Cœur (Pointe d'Arvouin).</p> <p>Du col de Savalenaz au Scex du Cœur, elle est formée par une ligne droite dont les deux extrémités sont marquées par les bornes Nos. 75 et 76 placées conformément aux indications suivantes :—</p>

Communes limitrophes.

Française.

Suisse.

Borne No. 75.—Au col de Savalen d'Arvouin (F), auprès et un peu au sentier.

Distance à la borne suivante : environ 3.

Entre les bornes 75 et 76, tracé en ligne
Borne No. 76.—Inscription dans un ro-
sentant une face presque verticale to-
l'est, sur laquelle se retrouvent la dai-
et les armoiries gravées à cette époque

De la Pointe d'Arvouin au Col de Vernaz.

Le rocher qui porte le No. 76 est situ-
longue crête rocheuse orientée de l'ou-
et présentant, face au nord, une
muraille appelée par les Valaisans : r
Vernaz. La partie des rochers de V
se dirige vers le sud-ouest porte, en
nom de rochers d'Arvouin. C'est ce
que la frontière suit après le No.
confondant avec la ligne de partage
elle passe ainsi au sommet le plus élev
crête (altitude : 2,020 mètres enviro
par une arête bien marquée, elle descen
nord jusqu'à un col étroit et de fo
accusées appelé col de Vernaz, où se
borne No. 77.

Du Col de Vernaz au Sommet des Rochers de Chaudin.

A partir du col de Vernaz la frontière es-
par une ligne de bornes jusqu'à la
rochers de Chaudin, à l'extrémité or-
laquelle est placée la borne No. 82.

Elle monte d'abord en ligne droite vers
nord-ouest, à travers la croupe de la
coupant quatre fois le sentier qui co-
châlets du même nom, jusqu'à 16
environ au sud de ces châlets; e
ensuite la direction nord-nord-est, jusq
d'escarpements considérables qui tom
le nord-est et qu'on désigne sous le no
de la Calaz; puis elle suit le bor
escarpements, en passant par le son
mamelon coté 2,185 mètres, jusque
petit col près duquel est placée la bor
et d'où elle remonte en ligne droite ju
trémité des rochers de Chaudin (S), qu'
encore Progelan (F) ou la Roche-à-Gi

Cette ligne est marquée par six bornes,

ment aux indications suivantes :—

Borne No. 77.—Au col de Vernaz, un
dessus et au nord du sentier de la C
Vouvry, presque contre le sentier.

Distance à la borne suivante : environ 3

Entre les bornes 77 et 78, tracé en ligne

Communes limitrophes.	
Française.	Suisse.
	<p><i>Borne No. 78.</i>—Près du sentier conduisant aux chalets de la Calaz, un peu au-dessous d'un lacet dirigé du sud-est au nord-ouest. Distance à la borne suivante : environ 128 mètres. Entre les bornes 78 et 79, tracé en ligne droite.</p> <p><i>Borne No. 79.</i>—Dans le pâturage. Distance à la borne suivante : environ 166 mètres. Entre les bornes 79 et 80, tracé en ligne droite.</p> <p><i>Borne No. 80.</i>—A un mètre environ du bord des escarpements qui tombent vers le nord-est. Distance en ligne droite à la borne suivante : environ 326 mètres. Entre les bornes 80 et 81, la frontière suit le bord des escarpements.</p> <p><i>Borne No. 81.</i>—Sur un petit tertre, un peu au nord d'un col. Distance à la borne suivante : environ 181 mètres. Entre les bornes 81 et 82, tracé en ligne droite.</p> <p><i>Borne No. 82.</i>—A l'extrémité est des rochers de Chaudin ou de Progelan. A 8 mètres plus à l'ouest, une croix-repère a été gravée en 1856 sur le rocher, en un point où il émerge à peine du sol.</p> <p>La borne No. 82 est placée à environ 910 mètres en ligne droite du signal géodésique des Cornettes de Bise, qui porte dans la série des bornes-frontières le No. 83. Entre les Nos. 82 et 83, la frontière suit la ligne de partage des eaux.</p> <p style="text-align: center;"><i>Du Sommet des Rochers de Chaudin au Mont des Bovardes.</i></p> <p>Cette ligne suit d'abord, en se dirigeant vers l'ouest, la crête des rochers de Chaudin et descend jusqu'au col qui sépare cette arête de la masse des Cornettes de Bise et qui est appelé Sur-les-Murailles (F). Puis elle monte, par des rochers, toujours dans la direction de l'ouest, jusqu'au sommet des Cornettes, où est établi le signal géodésique.</p> <p><i>Borne No. 83.</i>—Altitude : environ 2,438 mètres. Formée par le signal géodésique des Cornettes de Bise. Distance en ligne droite à la borne suivante : environ 437 mètres. Entre les Nos. 83 et 84 la frontière suit la ligne de partage des eaux. Elle prend, au delà des Cornettes la direction du nord et descend par des rochers abrupts jusqu'à un étroit plateau gazonné formant col entre les Cornettes de Bise et Lanche-Naire. Ce plateau porte le nom de Plan-Berger. Une pente douce remonte de cette dépression jusqu'à la Tête de Lanche-Naire, au sommet de laquelle se trouve la limite No. 84.</p>

Communes limitrophes.

Française.

Suisse.

Borne No. 84.—Altitude : environ 2

Inscription sur la surface horizontale d'un rocher plat, au sommet de la Tête Naire. Sur la même surface se voit une croix gravée en 1856.

Distance en ligne droite à la borne No. 85, environ 849 mètres.

Entre les Nos. 84 et 85, la frontière suisse est marquée par une ligne de partage des eaux.

La Tête gazonnée de Lanche-Naire est bornée du côté du nord par une immense paroi de rochers presque verticaux. Au-delà du nord du sommet, s'appuyant contre la paroi rocheuse, commence une longue crête étroite et très aiguë, qui de là conduit aux Bovardes. Par cette arête et par le versant du Mont des Bovardes se continue la ligne de partage des eaux vers le nord-nord-ouest la ligne de partage des eaux jusqu'à la borne No. 85.

Du Mont des Bovardes à la Dent du Velan.

La borne No. 85 est placée sur la ligne de partage des eaux du Mont des Bovardes, à 185 mètres au-dessus du plan d'Ugeon, delà et au nord-nord-ouest du sommet du Mont des Bovardes, près au point où l'arête légèrement inclinée se place à une pente beaucoup plus raide. Cette borne (la dernière qui soit sur la ligne de partage des eaux), la frontière suisse, la Dent du Velan, est marquée par une ligne ininterrompue de bornes qui traversent le petit étang d'Ugeon et qui est caractérisée par les indications suivantes :—

Borne No. 85.—A 185 mètres environ du sommet du Mont des Bovardes, sur la ligne de partage des eaux, au point de changement de pente.

Distance à la borne suivante : environ 100 mètres.

Entre les bornes 85 et 86, tracé en ligne droite.

Borne No. 86.—Sur la pente descendant du versant des Bovardes vers le Plan d'Ugeon, à l'ouest de la ligne de partage des eaux, au point de changement de pente.

Distance à la borne suivante : environ 100 mètres.

Entre les bornes 86 et 87, tracé en ligne droite.

Borne No. 87.—Dans le Plan d'Ugeon, au point de l'étang.

Distance à la borne suivante : environ 100 mètres.

Entre les bornes 87 et 88, tracé en ligne droite.

Les emplacements des bornes 87 et 88 sont choisis de telle sorte que la ligne de partage des eaux coupe en deux parties à peu près égales le petit étang d'Ugeon, cet étang devant être utilisé pour abreuver les troupeaux des habitants des deux côtés de la frontière.

Communes limitrophes.		
Française.	Suisse.	
		<p><i>Borne No. 88.</i>—Inscription dans un bloc de rocher près du bord et au nord-ouest de l'étang. Distance à la borne suivante : environ 139 mètres. Entre les Nos. 88 et 89, tracé en ligne droite.</p> <p><i>Borne No. 89.</i>—Inscription gravée dans le rocher, à près au milieu du pied de la paroi verticale de la Dent du Velan, face au sud-est. A côté se voient les inscriptions et la croix gravées en 1856.</p> <p>Entre le No. 89 et le No. 90, gravé également sur la Dent du Velan, mais sur la face opposée, la frontière est formée par la ligne passant par la pointe centrale de la cime de la Dent du Velan.</p> <p>Cette pointe centrale, en même temps qu'elle marque la frontière, est également le point où, du côté Suisse, finit la commune de Vouvry et commence celle de Saint-Gingolph (Suisse), et où, du côté Français, finit la commune de la Chapelle et commence celle de Novel.</p>
		<p><i>De la Dent du Velan au Pied des Nez (près de l'Haut-de-Morge).</i></p>
Velan	Saint-Gingolph	<p>L'inscription (No. 90) gravée sur la face nord de la Dent du Velan marque le point de départ de la frontière dans le bassin de la Morge. Immédiatement au-dessous prend naissance une ravine qui forme l'une des branches du torrent des Nez. La frontière en suit la rive droite, passe, en suivant toujours cette rive, à un rocher portant le No. 91 et atteint ainsi un autre rocher (No. 92) après lequel elle est marquée jusqu'au Pied des Nez par une ligne de bornes.</p> <p>De la Dent du Velan au Pied des Nez le tracé est déterminé conformément aux indications suivantes :—</p> <p><i>Borne No. 90.</i>—Inscription gravée dans le rocher, sur la paroi face au nord-ouest de la Dent du Velan, un peu au-dessus de la naissance d'une branche du ravin des Nez.</p> <p>Distance en ligne droite au numéro suivant : environ 771 mètres.</p> <p>Entre les Nos. 90 et 91 la frontière est formée par le bord droit du ravin des Nez.</p> <p><i>Borne No. 91.</i>—Inscription gravée dans la paroi verticale d'un rocher faisant partie de la berge droite du ravin des Nez, à 30 mètres environ au-dessus de la réunion d'un fort affluent de gauche.</p> <p>Distance en ligne droite au numéro suivant : environ 185 mètres.</p> <p>Entre les Nos. 91 et 92 la frontière est formée par la rive droite du torrent des Nez.</p>

Communes limitrophes.

Française.

Suisse.

Borne No. 92.—Au lieu dit le Sommet, inscription gravée sur la paroi d'un rocher faisant partie de la berge droite des Nez. A 18 mètres environ de l'autre rive, une croix-repère a été élevée en 1856 à la partie supérieure d'un rocher.
Distance à la borne suivante : environ 200 mètres.
Entre les Nos. 92 et 93, tracé en ligne droite.
Borne No. 93.—Au milieu des matériaux par le torrent en un point qui se trouve sur la rive gauche du lit principal à 23 mètres environ de là, au nord-ouest, une croix-repère a été gravée en 1856 sur une surface horizontale d'un bloc de rocher à l'extrémité sud. Ce même rocher présente à l'autre extrémité une croix plus petite.
Distance au numéro suivant : environ 200 mètres.
Entre les bornes 93 et 94, tracé en ligne droite.
Borne No. 94.—Au lieu dit le Pied des Nez, inscription sur la paroi d'un rocher faisant partie de la berge droite. On voit sur la paroi se voit une croix gravée en 1856.

Du Pied des Nez (près de l'Haut-de-Morge) à l'Embouchure de la Morge dans le Lac Léman.

A partir du No. 94, qui se trouve à peu près au milieu de la face des châteaux de l'Haut-de-Morge, on suit la rive droite de la Morge jusqu'à son embouchure dans le Lac Léman, en passant au-dessous du village Français de Neuchâtel, traversant le village à demi Français de Saint-Gingolph.

L'expression "rive droite" doit être entendue dans le sens qui a été précisé plus haut à l'occasion de la rive gauche de l'Eau-Nègre, la rive droite de la Barberine.

La Morge ayant un cours très torrentueux, elle change parfois de lit, auprès du village de Neuchâtel, lorsqu'il se produit des crues considérables, mais le lit ancien et le lit nouveau n'ont pas jusqu'ici et ne peuvent différer que d'une distance presque insignifiante. Il n'y a pas et, dans les crues nouvelles, il n'y aura pas lieu de croire que quel était le lit antérieur du torrent ; la rive droite est et continuera d'être déterminée par la "rive droite" telle qu'elle existe ou existait autrefois, fait, les mots "rive droite" étant invariables, comme il a été dit précédemment et les modifications possibles de la rive entraîneront les mêmes modifications du tracé de la délimitation politique, sans que, bien entendu, en position vise, en aucune façon, les communes ou particulières dont les limites seront confondues autrefois avec la frontière, resteront telles qu'elles ont été fixées.

Communes limitrophes.		
Française.	Suisse.	
Saint-Gingolph	Saint-Gingolph	<p>plans et autres titres antérieurs, quelle que puisse être leur position par rapport à la rive droite de la Morge avant ou après les crues.</p> <p>A peu de distance en aval du village de Novel le torrent entre dans une vallée très étroite, presque dans une gorge, où son lit fort resserré ne peut plus guère subir de modifications. Dans cette partie de son cours la Morge reçoit un certain nombre d'affluents, parmi lesquels, à gauche, le ruisseau de Clos Forche au confluent duquel finit, du côté Français, la commune de Novel et commence celle de Saint-Gingolph (France).</p> <p>La Morge continue ensuite à couler dans une vallée très resserrée jusqu'à 800 mètres environ en amont de Saint-Gingolph.</p> <p><i>Borne No. 95.</i>—Au point où la vallée commence à s'élargir, à environ 800 mètres en ligne droite en amont du Pont du Moulin de Saint-Gingolph. Inscription gravée dans un rocher de la rive droite par lequel se termine une longue croupe boisée venant du sud-est.</p> <p>Entre les Nos. 95 et 96 la frontière suit la rive droite de la Morge.</p> <p>La Morge descend ensuite jusqu'au village de Saint-Gingolph, qu'elle traverse laissant à gauche la commune Française, à droite la commune Suisse du même nom.</p> <p>Deux dérivations font passer une partie des eaux Françaises de cette rivière sur le territoire Suisse : l'une pratiquée à 350 mètres environ en aval du rocher qui porte le No. 95, alimente les fontaines de la commune Suisse ; l'autre, pratiquée dans le village même, un peu au-dessous du pont dit "Pont du Moulin" conduit les eaux à une scierie située près du quai, du côté Suisse. L'existence de ces deux dérivations est légitime. La commune Suisse et les propriétaires de la scierie ont le droit d'en user, de les entretenir et de les réparer. En outre, ceux des habitants de la commune Suisse de Saint-Gingolph, qui peuvent justifier de droits sur les eaux de la Morge pour l'irrigation de leurs propriétés contiguës à ce torrent, conservent le libre exercice de ces droits. Mais il ne peut être pratiqué de nouvelle dérivation sur le territoire Suisse, et les dérivations existantes ne peuvent être modifiées de façon à augmenter sensiblement le volume des eaux dérivées, sans l'agrément des autorités Françaises.</p> <p>Trois ponts relient l'un à l'autre les deux villages de Saint-Gingolph : (1) près de l'église, le Pont du Moulin ; (2) sur la route du Simplon, le pont principal dit "Pont de Saint-Gingolph ;" (3) enfin, en aval, à 45 mètres environ de l'embouchure, le pont de la Scierie. Les trois ponts sont entièrement Français, ainsi que leurs deux culées et le sol sur lequel elles reposent, lequel fait partie de la berge.</p>

Communes limitrophes.		
Française.	Suisse.	
		<p>Entre le Pont du Moulin et le pont du Simplon se trouve le viaduc du chemin de fer d'Annemasse à Saint-Maurice, qui traverse la Morge. La séparation de la Suisse et de la partie Française de la Morge est formée par l'axe de la pile médiane. Cette pile ne peut recevoir de disposition d'une destruction éventuelle.</p> <p>La frontière est marquée, dans l'ancien village de Saint-Gingolph, par les N° 96 et 97, au point où elle coupe le viaduc du chemin de fer et la route du Simplon, conformément aux indications suivantes.</p> <p><i>Borne No. 96.</i>—Au viaduc du chemin de fer d'Annemasse à Saint-Maurice, sur l'inscription sur le trottoir nord du viaduc, à l'aplomb de l'axe de la pile médiane, correspond à la rive droite du torrent la borne No. 96.</p> <p><i>Borne No. 97.</i>—Au pont de la route de Saint-Maurice à la Morge, à peu près dans le prolongement du pont, à l'aplomb du pied de l'extrémité culée droite.</p> <p>Ce numéro est le dernier de la série déterminant le tracé de la frontière de la Suisse du Mont Dolent au Lac Léman.</p> <p>La Morge étant sujette à des crues qui occasionnent parfois des dégâts terribles, des travaux de correction ou de dérivation sont à prévoir. À l'exception des dépenses aux digues actuelles, des travaux de dérivation ne peuvent être entrepris qu'après accord préalable entre les autorités des deux États; chacun d'eux supporte les travaux exécutés du côté de son territoire.</p> <p>Cette section de la frontière se termine à l'extrémité de la rive droite de la Morge, où cette rivière se jette dans le Lac Léman.</p>

*TREATY of Commerce between Switzerland and Chile,
at Buenos Ayres, October 31, 1897.*

[Ratifications exchanged at Santiago, January 31, 1900.]

(Translation.)

THE Government of Chile and the Federal Council of the Swiss Confederation, animated by the desire to widen the

relations subsisting between them, have agreed to celebrate a Treaty of Commerce, and have for that purpose named as their Plenipotentiaries, namely :

His Excellency the President of the Republic of Chile, Señor Joaquín Walker Martínez, Envoy Extraordinary and Minister Plenipotentiary of Chile to the Argentine Republic;

The Federal Council of the Swiss Confederation, M. Emile Rodé, Minister Resident and Consul-General of Switzerland to the Argentine Republic;

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed upon the following :—

ART. I. Chilean citizens and Chilean products in Switzerland and Swiss citizens and Swiss products in Chile shall henceforth enjoy, without any restriction, most-favoured-nation treatment, and shall consequently enjoy any favour, privilege, or immunity which may be accorded in Switzerland or in Chile to the citizens or products of any other nation.

II. The stipulations made in the foregoing Article shall not include those cases where Chile may accord special favours, exemptions, or immunities to the products of other Latin-American States.

It is understood that Switzerland, as a most favoured nation, cannot lay claim to such concessions, save when they may be made to a State not forming part of Latin-America.

III. The present Treaty shall come into force on the day when the ratifications thereof are exchanged, and shall remain in force until one year after it may be denounced by either of the High Contracting Parties.

It shall be ratified, and the ratifications shall be exchanged in Santiago de Chile within the shortest possible term.

In witness whereof the Plenipotentiaries of Chile and Switzerland have signed the present Articles written in the Spanish and French languages, and have affixed thereunto their respective seals.

Done in duplicate, in the city of Buenos Ayres, on the 31st day of October, 1897.

(L.S.) JOAQUÍN WALKER MARTÍNEZ

(L.S.) E. RODÉ.

ADDITIONAL PROTOCOL between Sweden and Norway and Japan, explanatory of the term "les deux pays," &c., in the Treaty of Commerce between those Powers of the 2nd May, 1896.—Signed at St. Petersburg, May 1, 1897.

[See Vol. LXXXVIII, page 461.]

PROCÈS-VERBAL recording the Deposit of the Ratification of the King of Sweden and Norway of the Commercial Treaty between Sweden and Norway and Japan of the 2nd May, 1896.—Signed at St. Petersburg, May 1, 1897.

[See Vol. LXXXVIII, page 461.]

CERTIFICATE recording the Deposit of the Ratification of the Emperor of Japan of the Commercial Treaty between Sweden and Norway and Japan of the 2nd May, 1896.—Signed at Tôkiô, May 1, 1897.

[See Vol. LXXXVIII, page 461.]

CONVENTION between France and Germany, defining the Boundary between the French Possessions of Dahomey and the Soudan, and the German Togo Territory.—Signed at Paris, July 23, 1897.

[Ratifications exchanged at Paris, January 12, 1898.]

LE Gouvernement de la République Française et le Gouvernement de Sa Majesté l'Empereur d'Allemagne ayant résolu, dans un esprit de bonne entente mutuelle, de donner force et vigueur à l'accord préparé par leurs Délégués respectifs pour la délimitation des possessions Françaises du Dahomey et du Soudan et des possessions Allemandes du Togo, les Soussignés :

Son Excellence M. Gabriel Hanotaux, Ministre des Affaires Étrangères de la République Française ;

Son Excellence M. le Comte de Münster, Ambassadeur de

l'Empereur d'Allemagne, Roi de Prusse, près le
 la République Française ;
 autorisés à cet effet, confirment le Protocole avec son
 à Paris le 9 de ce mois, et dont la teneur suit :—

Protocole.

assignés :
 ecomte, Secrétaire d'Ambassade de 1^{re} classe, Sous-
 djoint à la Direction des Affaires Politiques du Ministère
 Étrangères ;
 Gustave Binger, Gouverneur des Colonies, Chargé de la
 des Affaires d'Afrique au Ministère des Colonies ;
 e Müller, Conseiller de Légation et Premier Secrétaire de
 le d'Allemagne à Paris ;

red Zimmermann, Consul Impérial, Chargé des Affaires
 à la Section Coloniale du Ministère des Affaires
 ;

Wohsen, Consul Impérial en retraite ;
 és par le Gouvernement de la République Française
 Gouvernement de l'Empire Allemand à l'effet de préparer
 de délimitation définitive entre les possessions Françaises
 ey et du Soudan et les possessions Allemandes du Togo,
 enus des dispositions suivantes qu'ils ont résolu de
 l'agrément de leurs Gouvernements respectifs :—

La frontière partira de l'intersection de la côte avec
 de l'Ile Bayol, se confondra avec ce méridien jusqu'à la
 e la lagune, qu'elle suivra jusqu'à une distance de 100
 iron au delà de la pointe est de l'Ile Bayol, remontera
 ectement au nord jusqu'à mi-distance de la rive sud et de
 d de la lagune, puis suivra les sinuosités de la lagune,
 tance des deux rives, jusqu'au thalweg du Mono, qu'elle
 u'au 7^e degré de latitude nord.

Intersection du thalweg du Mono avec le 7^e degré de
 ord la frontière rejoindra par ce parallèle le méridien
 yol, qui servira de limite jusqu'à son intersection avec le
 assant à égale distance de Bassila et de Penesoulou. De
 e gagnera la Rivière Kara, suivant une ligne équidistante
 ns de Bassila à Bafilo, par Kirikri, et de Penesoulou à
 ar Aledjo, et ensuite des chemins de Sudu à Séméré et
 Séméré, de manière à passer à égale distance de Daboni
 , ainsi que de Sudu et d'Aledjo. Elle descendra ensuite
 de la Rivière Kara sur une longueur de 5 kilom. et, de ce
 ontera en ligne droite vers le nord jusqu'au 10^e degré
 e nord, Séméré devant, dans tous les cas, rester à la

De là la frontière se dirigera directement sur un point à distance entre Djé et Gandou, laissant Djé à la France et l'Allemagne, et gagnera le 11° degré de latitude nord en ligne parallèle à la route de Sansanné-Mango à Pama et celle-ci de 30 kilom. Elle se prolongera ensuite vers le 11° degré de latitude nord jusqu'à la Volta blanche, et laissera en tout cas Pougno à la France et Koun Djari à l'Allemagne, puis elle rejoindra par le thalweg de cette rivière le 11° degré de latitude nord, qu'elle suivra jusqu'à son intersection avec le méridien 3° 52' ouest de Paris (1° 32' ouest de Greenwich).

II. Le Gouvernement Français conservera pour ses troupes son matériel de guerre le libre passage par la route de Kouakou sur la rive droite de la Volta par Sansanné-Mango et Gambaga jusqu'à Kouandé à Pama par Sansanné-Mango, pour une durée de six années à partir de la ratification du présent arrangement.

III. La frontière déterminée par le présent arrangement sera inscrite sur la carte ci-annexée.

IV. Les deux Gouvernements désigneront des commissaires qui seront chargés de tracer sur les lieux la ligne de démarcation entre les possessions Françaises et Allemandes en conformité avec l'esprit des dispositions générales qui précèdent.

V. En foi de quoi les Délégués ont dressé le présent traité et y ont apposé leurs signatures.

Fait à Paris en double expédition, le 9 Juillet, 1897.

Les Délégués Français :

RENÉ

G. BR

Les Délégués Allemands :

F. VO

A. ZI

ERNST

La présente Convention sera ratifiée, et les ratifications échangées à Paris dans le délai de six mois, ou plus tard si besoin se peut.

Fait à Paris, le 23 Juillet, 1897, en double exemplaire.

(L.S.) G. HA

(L.S.) MÜNS

VERBAL recording the Deposit of Ratifications of Additional Act of May 4, 1896, modifying the International Copyright Convention of September 9, 1886.—at Paris, September 9, 1897.

[See Vol. LXXXVIII, page 40.]

ONAL PROTOCOL to the Convention between the Governments of Belgium, France, Italy, Luxemburg, Netherlands, Portugal, Spain, and Switzerland, of the 14th November 1896, on the subject of Private International Law.—at the Hague, May 22, 1897..

[See Vol. LXXXVIII, page 559 (foot-note).]

CONVENTION MONETAIRE entre la Belgique, la France, l'Italie, et la Suisse.—Signée à Paris, le 29 Octobre,

des ratifications a eu lieu à Paris, le 30 Décembre, 1897.]

Le Roi des Belges, le Président de la République, Sa Majesté le Roi des Hellènes, Sa Majesté le Roi d'Italie, le Conseil Fédéral de la Confédération Suisse, ayant reconnu l'urgence des monnaies divisionnaires d'argent dans la circulation due, entre autres causes, à la disparition d'un grand nombre de ces monnaies, au développement constant des petites monnaies et aux besoins nouveaux résultant de l'augmentation de la population et de certaines extensions coloniales,

ont résolu de conclure une Convention Additionnelle pour régler les contingents déterminés par l'Article IX de la Convention du 6 Novembre, 1885,* et par l'Article III de l'Acte Additionnel du 12 Décembre de la même année,† de manière à mettre les contingents en harmonie avec le chiffre actuel de la population et à croître, en outre, dans la proportion de un franc par tête

ont désigné, à cet effet, pour leurs Plénipotentiaires, savoir :
Sa Majesté le Roi des Belges, M. le Baron d'Anethan, son

LXXXVI, page 315.

† Vol. LXXVI, page 324.

Envoyé Extraordinaire et Ministre Plénipotentiaire près le Président de la République Française ;

Le Président de la République Française, M. Gabriel Hanotaux, Ministre des Affaires Étrangères de la République Française ;

Sa Majesté le Roi des Hellènes, M. N. Delyanni, son Envoyé Extraordinaire et Ministre Plénipotentiaire près le Président de la République Française ;

Sa Majesté le Roi d'Italie, son Excellence M. le Comte Tornier Brusati di Vergano, son Ambassadeur Extraordinaire et Plénipotentiaire près le Président de la République Française ;

Le Conseil Fédéral de la Confédération Suisse, M. Lardy, son Envoyé Extraordinaire et Ministre Plénipotentiaire près le Président de la République Française ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les contingents de monnaies divisionnaires d'argent déterminées par l'Article IX de la Convention du 6 Novembre, 1885, et par l'Article III de l'Acte Additionnel du 12 Décembre de la même année, sont augmentés :

Pour la Belgique de 6,000,000 fr.

Pour la France, l'Algérie, et les Colonies de 130,000,000 fr.

Pour l'Italie de 30,000,000 fr.

Pour la Suisse de 3,000,000 fr.

II. Les Hautes Parties Contractantes s'engagent à employer exclusivement des écus de 5 fr. d'argent aux effigies respectives pour la fabrication des nouvelles pièces divisionnaires. Toutefois, chacune d'elles pourra imputer sur les sommes stipulées à l'Article I une frappe de lingots jusqu'à concurrence de 3,000,000 fr., à la condition de constituer, avec le bénéfice pouvant résulter de cette opération, un fonds de réserve destiné à l'entretien de sa circulation monétaire d'or et d'argent.

III. L'Arrangement du 15 Novembre, 1893,* sera applicable aux nouvelles monnaies d'argent que le Gouvernement Italien pourra émettre après la mise en vigueur de la présente Convention additionnelle.

IV. Le Gouvernement Hellenique renonce à faire exécuter de nouvelles frappes de monnaies divisionnaires d'argent jusqu'au moment où il aura pu prendre, envers ses alliés monétaires, les mêmes engagements que l'Italie a contractés pour sa monnaie divisionnaire par l'Acte du 15 Novembre, 1893, ou des arrangements analogues, acceptés par toutes les Hautes Parties Contractantes.

V. Les Hautes Parties Contractantes s'engagent à ne faire

supprimer les contingents déterminés à l'Article I ci-dessus que jusqu'à concurrence d'un maximum de deux cinquièmes la première année, et d'un cinquième les années suivantes. Les unités non utilisées pourront profiter aux exercices subséquents.

VI. Toutes les autres dispositions, tant de la Convention du 6 Novembre, 1885, et de ses annexes, que des Actes Additionnels des 12 Décembre, 1885, et 15 Novembre, 1893, sont et demeurent expressément maintenues.

VII. La présente Convention Additionnelle aura la même durée que la Convention du 6 Novembre, 1885, dont elle sera réputée faire partie intégrante.

VIII. La présente Convention Additionnelle sera ratifiée, et les ratifications en seront échangées à Paris dans le délai de trois mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait en quintuple expédition, à Paris, le 29 Octobre, 1897.

(L.S.) BARON D'ANETHAN.

(L.S.) G. HANOTAUX.

(L.S.) N. S. DELYANNI.

(L.S.) G. TORNIELLI.

(L.S.) LARDY.

CONVENTION between Germany and the Netherlands, for the Extradition of Criminals to and from the Netherlands and Netherland Colonies and Possessions and the Protectorates and Dependencies of Germany.—Signed at Berlin, September 21, 1897.

[Ratifications exchanged at Berlin, October 23, 1897.]

NACHDEM Ihre Majestät die Königin-Regentin der Niederlande, im Namen Ihrer Majestät der Königin der Niederlande, und Seine Majestät der Deutsche Kaiser, König von Preussen, im Namen des Deutschen Reichs, übereingekommen sind, die gegenseitige Auslieferung der Verbrecher zwischen den Niederlanden, sowie den Niederländischen Kolonien und auswärtigen Besitzungen und den Deutschen Schutzgebieten, sowie den sonst von Deutschland abhängigen Gebieten durch einen Vertrag zu regeln, haben Allerhöchstdieselben zu diesem Zwecke mit Vollmacht versehen, und zwar:

Ihre Majestät die Königin-Regentin der Niederlande, den außerordentlichen Gesandten und bevollmächtigten Minister Ihrer

Majestät der Königin der Niederlande bei Seiner Majestät des Deutschen Kaiser, König von Preussen, Herrn Jonkheer Arnold Wilhelm van Tets van Goudriaan;

Seine Majestät der Deutsche Kaiser, König von Preussen, höchstihren Wirklichen Geheimen Legationsrath Herrn von Frantzius;

Welche nach gegenseitiger Mittheilung ihrer in gehöriger Form befundenen Vollmachten über folgenden übereingekommen sind:—

ART. I. Die Bestimmungen des zwischen den Niederlanden und dem Deutschen Reiche am 31 Dezember, 1896,* unterzeichneten Auslieferungsvertrags sollen auf die im nachfolgenden näher bezeichneten von Deutschland abhängigen Gebiete Anwendung finden, dass auch die in einem dieser Gebiete halb des Bereichs der daselbst bestehenden Behörden sich befindenden Personen, die wegen einer ausserhalb der bezogenen Gebiete, sowie das Gebiete des Deutschen Reichs begangenen Handlung von den Behörden der Niederlande oder der Niederländischen Kolonien und auswärtigen Besitzungen verfolgt werden und die in den Niederländischen Kolonien und auswärtigen Besitzungen innerhalb des Bereichs der daselbst bestehenden Behörden oder im Königreich der Niederlande sich aufhaltenden Personen, die wegen einer ausserhalb des Gebiets der Niederlande, sowie der Niederländischen Kolonien und Besitzungen begangenen Handlung von den Behörden der von Deutschland abhängigen Gebiete verfolgt werden, in Gemässheit der Bestimmungen jenes Vertrags nicht der gegenwärtige Vertrag etwas Abweichendes festsetzen, gegenseitig auszuliefern sind.

II. Unter den von Deutschland abhängigen Gebieten (Abhängigkeiten) sind im Sinne des gegenwärtigen Vertrags zu verstehen:

Die in Afrika, in Neu-Guinea und im westlichen Stillen Ozean belegenen Deutschen Schutzgebiete, Besitzungen und Interessen.

III. Zwischen den von Deutschland abhängigen Gebieten (Abhängigkeiten) Neu-Guinea und im westlichen Stillen Ozean, nämlich, dem Gebiete der Neu-Guinea-Kompagnie und dem Schutzgebiete der Marshall-, Brown-, and Providence-Inseln einerseits und Niederländisch-Indien andererseits soll wegen solcher strafbaren Handlungen, die in Niederländisch-Indien als Seeraub oder gleiches Verbrechen bestraft werden und zugleich nach der Gesetzgebung der betreffenden Deutschen Schutzgebiete eine als Verbrechen angesehen werden, Vergewaltigung, Verbrechen gegen Personen oder Sachen, oder die Theilnahme an einer solchen oder den strafbaren Verbrechen einer solchen darstellen, die Auslieferung auch dann stattfinden.

* Page 493.

wenn diese nicht schon nach Artikel I des Vertrags vom 31 Dezember, 1896, begründet ist.

IV. Bei Anwendung des Vertrags vom 31 Dezember, 1896, auf die von Deutschland abhängigen Gebiete sollen, wo in jenem Verträge vom Deutschen Reiche die Rede oder dieses unter der Bezeichnung des ersuchten oder ersuchenden Theiles, Staates oder Landes zu verstehen ist, die bezeichneten Gebiete darunter gleichfalls begriffen sein. Dabei haben als Gesetze und Gesetzgebung, wo der erwähnte Vertrag auf solche verweist, die Gesetze und Gesetzgebung des betreffenden Gebiets zu gelten.

V. An Stelle des ersten Absatzes von Artikel II des Vertrags vom 31 Dezember, 1896, soll für die von Deutschland abhängigen Gebiete gelten, dass die Verpflichtung zur Auslieferung aus diesen Gebieten sich nicht auf deren Eingeborene, sowie auf Reichsangehörige, und die Verpflichtung der Behörden der Niederlande oder der Niederländischen Kolonien und auswärtigen Besitzungen zur Auslieferung von Personen, die von den Behörden jener Gebiete verfolgt werden, sich nicht auf Niederländer erstreckt.

VI. Die Verpflichtung zur Auslieferung aus den von Deutschland abhängigen Gebieten fällt weg, wenn vor Ausführung der Auslieferung ein Antrag auf Ablieferung der beanspruchten Person nach dem Gebiete des Deutschen Reichs eingeht, dem nach gesetzlicher Vorschrift entsprochen werden muss. Die Bewilligung der Auslieferung aus einem der von Deutschland abhängigen Gebiete soll stets als unter der Bedingung geschehen gelten, dass ein solcher Antrag auf Ablieferung bis zur Ausführung der Auslieferung nicht eingegangen ist. Es bleibt im Falle der Ablieferung nach Deutschland der Königlich Niederländischen Regierung aber vorbehalten, die demnächstige Auslieferung aus Deutschland auf Grund und nach Massgabe des Vertrages vom 31 Dezember, 1896, in Antrag zu bringen.

VII. Die Anträge auf Auslieferung aus einem der von Deutschland abhängigen Gebiete oder an einer dieser Gebiete und auf nachträgliche Ausdehnung solcher Auslieferung sollen, wie im Absatz 1 des Artikels VII des Vertrags vom 31 Dezember, 1896, vorgesehen ist, im diplomatischen Wege gestellt werden.

Jedoch können solche Anträge, wenn es sich um eine Auslieferung zwischen Niederländisch-Indien und einem der in Ost-Afrika, in Neu-Guinea und im westlichen Stillen Ozean belegenen von Deutschland abhängigen Gebiete, nämlich, Deutsch-Ost-Afrika, dem Schutzgebiete der Neu-Guinea-Kompagnie und dem Schutzgebiete der Marshall-, Brown-, and Providence-Inseln handelt, auch unmittelbar von dem General-Gouverneur von Niederländisch-Indien bei der obersten Behörde des betreffenden von Deutschland abhängigen Gebiete, die innerhalb dieses Gebiets ihren Sitz hat, und von

dieser Behörde bei dem General-Gouverneur von Niederländisch-Indien gestellt werden. Diesem, sowie der bezeichneten Deutschen Behörde bleibt es vorbehalten, wenn der bei ihnen unmittelbar gestellte Antrag ihnen zu Zweifeln Anlass giebt, darüber die Entscheidung der vorgesetzten Stelle einzuholen.

VIII. Für die vorläufige Festhaltung tritt an Stelle der Artikel IX des Vertrags vom 31. Dezember, 1896, vorgesehene zwanzigtägige Frist in den Fällen, auf die der gegenwärtige Vertrag sich bezieht, eine Frist von drei Monaten.

IX. Der gegenwärtige Vertrag soll ratifizirt, und die Ratifikationsurkunden sollen gleichzeitig mit denen zum Vertrage vom 31. Dezember, 1896, ausgewechselt werden.

Der Vertrag soll drei Monate nach Austausch der Ratifikationsurkunden in Kraft treten und solange in Kraft bleiben, wie der Vertrag vom 31. Dezember, 1896, also ausser Kraft treten, wenn dieser ausser Kraft tritt.

Zu Urkund dessen haben die beiderseitigen Bevollmächtigten den gegenwärtigen Vertrag unterzeichnet und mit dem Abdruck ihrer Siegel versehen.

Ausgefertigt in doppelter Urschrift in Berlin, den 21. September, 1897.

(L.S.) D. A. W. von TETS von GOUDRIAAN.

(L.S.) MICHELET von FRANTZIUS.

TREATY of Friendship and Commerce between the German Empire and the Orange Free State.—Signed at Berlin, April 28, 1897.

[Ratifications exchanged at Berlin, March 17, 1898.]

(Translation.)

His Majesty the German Emperor, King of Prussia, in the name of the German Empire, on the one part, and the Honourable the President of the Orange Free State, on the other part, guided by the desire to further and assure the relations between the two countries, have decided to conclude a Treaty of Friendship and Commerce, and have nominated as their Plenipotentiaries:

His Majesty the German Emperor, King of Prussia, His Majesty's Minister of State, Secretary of State for the Foreign Office, Baron Adolf Marschall von Bieberstein;

The Honourable the President of the Orange Free State, the Consul-General of the Orange Free State for the Kingdom of the Netherlands, Dr. Hendrik Pieter Nikolaas Müller;

After mutual communication of their full powers, which in good and due form, have concluded the following

Between the German Empire and the Orange Free State shall be perpetual peace and friendship, and between the subjects and citizens of the two countries freedom of com-

munication. The subjects or citizens of each of the Contracting Parties within the territory of the other the same rights, and advantages of all kinds in respect of the exercise of commerce, and in regard to commerce and industry, as belong or are belong to citizens or subjects of the latter, and shall not be subjected to other or more onerous general or local taxes, contributions, or obligations of any kind, than are imposed or may be imposed upon the subjects or citizens of the most favoured nation.

The subjects or citizens of each of the Contracting Parties, within the territory of the other, shall be entitled, equally with the subjects of the latter, to reside, travel, carry on wholesale trade, hold all kinds of real and personal property, acquire such property by purchase or sale, barter, gift, testamentary disposition, or in other ways, as well as to inherit property and to sue with law. In none of these cases shall they be subjected to other or higher taxes and rates than are levied upon the subjects or citizens of the country.

The subjects or citizens of the German Empire, and citizens of the Orange Free State in Germany, shall be fully at liberty, in the same manner as the citizens or subjects of the country, to administer justice either in person or by agents appointed by them, and shall not be obliged to pay compensation or damages for so doing to the subjects or citizens of the country, unless such payments are also made by the subjects or citizens of the country.

The subjects or citizens of each of the Contracting Parties shall have free access to the Courts of Justice, and shall enjoy the same exemptions and privileges of citizens or subjects of the most favoured nation in respect to the pursuit and defence of their rights.

The subjects or citizens of each of the Contracting Parties shall be authorized to exercise within the territory of the other the same rights which are admitted to belong to similar Companies, which have been established within the territory of the Contracting Parties in accordance with the laws of the country. The subjects or citizens of the most favoured nation in respect to the rights which are admitted to belong to similar Companies shall be authorized to exercise within the territory of the other the same rights which are admitted to belong to similar Companies of the most favoured nation.

The subjects or citizens of each of the two Contracting Parties, while within the territory of the other, enjoy the same rights as the subjects or citizens of the most favoured nation in respect to the rights which are admitted to belong to similar Companies of the most favoured nation in respect to the rights which are admitted to belong to similar Companies of the most favoured nation.

militia and national guard, as well as in regard to any other service of a judicial, administrative, or municipal kind, in all military requisitions and supplies, as also in reference loans and other burdens which are imposed for war purposes in consequence of other exceptional circumstances.

They shall not, either in person or in regard to their personal property, be required to submit to other obligations, restrictions, taxes, or dues than those to which the subjects of the country shall be liable.

VII. As soon as the protection of models, patterns, trade marks, and the marking, labelling, or packing of goods shall have been regulated by Statute in the Orange Free State, in accordance with the principles universally accepted in the matter, the Contracting Parties shall fix by an Agreement, or by an Exchange of Declarations, the formalities upon the fulfilment of which the enjoyment of the rights granted by one or the other Party to its subjects or citizens shall depend.

VIII. No prohibition of import, export, or transit may be imposed by one of the Parties to the Treaty against the other which shall not apply, either at the same time to all nations, or at least to all nations under like conditions.

With respect to the import and export of goods, their transit, custom-house storage, the customs duties to be paid, of whatever kind they may be, and to customs formalities of every kind, the Contracting Parties binds itself to let the other share in the delay or further question, in every favour, privilege, or reduction of the import or export duties, and in every other exemption or concession which it has granted or may in future grant to its subjects or citizens.

Favours which one of the two Contracting Parties has granted or may grant to immediately contiguous foreign States, Colonies, or territories for facilitating the frontier traffic, or which it has granted or may grant to foreign States, Colonies, or territories in a Customs Union already concluded or to be concluded in which it cannot be claimed by the other Party, so long as these favours are also withheld from all other non-contiguous States, Colonies, or territories, or from all other States, Colonies, and territories which are not joined with it in a Customs Union. Amongst the States are to be reckoned also protected States of Colonies or territories to which favours of the kind indicated are granted, if they are not contiguous and do not form part of the Customs Union.

Furthermore, the German Empire will not claim to participate in those special favours which the Orange Free State has granted or may in future grant, without having concluded

Union, to the neighbouring South African Republic, with a view of facilitating the neighbourly traffic between the two States, even beyond the actual frontier zone, so long as such traffic is not also withheld from all other States, Colonies, and territories.

Each of the Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents in the communities within the territory of the other Party.

Consuls-General, Consuls, and Vice-Consuls may appoint Consular Agents if empowered to do so by the laws of the State by which they themselves have been appointed.

The Parties reserve the right to refuse the admission of Consular Agents for certain places. It is, however, assumed that this right is exercised equally as against all Powers.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall be chosen from among the subjects or citizens of either of the Parties or of other States. They may enter on their duties only if they have been admitted and recognized in the usual manner by the Government of the country in which their post is situated.

An exequatur is to be granted free of cost. Both Parties reserve the right to withdraw the exequatur, assigning their reasons therefor.

A change in the official districts of the Consuls shall be notified in time to the Government of the country in which they have their offices.

Consuls-General, Consuls, Vice-Consuls, and their clerks or interpreters, as also Consular Agents, who are subjects or citizens of the State which has appointed them, shall be exempted from the payment of soldiers and military burdens in general, from direct and indirect taxes, and from taxes on movable property and articles of commerce, whether levied by the State or by the Municipalities, unless they are engaged in trade or industry, in which cases they shall be subject to the same imposts, burdens, and taxes to which the other inhabitants of the country are subject as land-owners, merchants, or manufacturers.

They may neither be arrested nor imprisoned, except for actions of criminal law, according to the Penal Code of the State in which they have their official residences, and which designates and punishes as crimes.

Consuls-General, Consuls, Vice-Consuls, and their clerks or interpreters, as also Consular Agents, are bound to give evidence in the Tribunals of the country judge it necessary. In any case, however, the Tribunal shall request them by official letter before it.

Consuls-General, Consuls, Vice-Consuls, and Consular

Agents may affix the arms of the State which has appointed the Consulate building, with the inscription "Consulate," "Consulate," "Vice-Consulate," or "Consular Agency of" and hoist their national flag on the Consulate building.

It is understood that these external signs shall never be interpreted as establishing a right of asylum.

XIII. The Consular archives are always inviolable, and the authorities of the country can under no pretext and in no way enter into or seize the official papers belonging to the archives. The official papers must always be kept separate from the private papers. Papers relating to the commercial business or trade in which the Consular officer may be engaged. The offices and dwellings of the Consuls "de carrière" who are subjects or citizens of the State which has appointed them shall always be inviolable. The authorities of the country shall, except where the prosecution of a crime is concerned, perform no official act in such offices or dwellings without the Consuls' consent, and the papers and books deposited there may in no case be examined or seized.

XIV. In cases of inability, absence, or death of the Consul-General, Consuls, or Vice-Consuls, the Clerks or Secretaries who have been named as such to the Government of the country in which they have their seat of office, shall be legally empowered to exercise the Consular functions *ad interim*, and shall, during that time, enjoy the liberties and privileges which, according to the Treaty, belong thereto.

XV. Consuls-General, Consuls, and Vice-Consuls or Consular Agents may, in the exercise of the functions assigned to them, apply to the authorities of their official district in order to prevent against any violation of the Treaties or Agreements existing between the two Parties, and against any injury complained of by the subjects or citizens of the State which has appointed them. If the said State has no Diplomatic Representative, applications and representations are not attended to by these authorities, but by the Central Government of the country in which they have their office.

XVI. Consuls-General, Consuls, Vice-Consuls, and Consular Agents, as also Consular Agents, have the right to take down, both in the Chancery and in the dwellings of the persons concerned, declarations which travellers, traders, and all other subjects or citizens of the State which has appointed them, have made. They may also, so far as they are empowered to do so by the laws of the said State, draw up and officially attest all testamentary acts of subjects of the said State.

In like manner they may take cognizance of and attest all legal acts in which those subjects, either alone or together

other inhabitants of the country in which they have office, are concerned.

Officials, subject to the laws of the State which has them, have the right to take cognizance of and attest in which the subjects or citizens of the State in which the officers have their seat of office, or of a third State, are concerned, when such legal acts relate exclusively to real property situated in the State which has appointed Consular officers to settle there. Consular officers translate and certify all kinds of acts and documents from authorities or officials of the State which has them.

The above-mentioned documents, as also the copies, extracts, and translations of such documents, when certified in the prescribed form by the said Consular officers, and stamped with the official seal of the Consulate, shall have in both States the same force and effect as if they had been done before a Notary or other competent public or judicial official in either of the two States, with the exception that they are subject to the stamp, registration, or any other duty existing in the State in which they are to be executed. The Consulate shall be responsible as to the accuracy or genuineness of the copies, and translations, the Consulate shall, on demand, place the documents at the disposal of the competent authority of the State for collation.

Consuls-General, Consuls, Vice-Consuls, and their Clerks and Agents, as also Consular Agents, shall in both States share in the honours, privileges, and rights which belong to the officials of the rank of the most favoured nation.

A Special Agreement will be made between the Contracting Parties as to the mutual extradition of criminals and the settlement of requests in penal cases.

The provisions of the present Treaty, as applied to the German Empire, extend also to the countries or territories at present separated or in future to be united by Customs Union with it. The present Treaty shall be ratified, and the ratifications shall be deposited at Berlin as soon as possible.

The Treaty shall come into force two months after the exchange of ratifications, and shall remain in operation for three years, from the day on which it comes into force.

One year before the expiration of this period neither of the Contracting Parties signify to the other by an official Declaration of intention to denounce the Treaty, it shall remain in force for three years more reckoned from the day on which one or other of the Contracting Parties shall have denounced it.

The Contracting Parties reserve the right to introduce into this

Treaty, after mutual agreement, any changes which are not to its spirit and principles, and the usefulness of which have been shown by experience.

In witness whereof the Plenipotentiaries of the two Contracting Parties have signed the present Treaty and affixed their signatures thereto.

Done at Berlin, April 28, 1897.

(L.S.) BARON VON MARSCHALL

(L.S.) DR. HENDRIK P. N. M.

*ADDITIONAL TREATY to the Treaty of Peace and Friendship between Spain and Peru of the 14th August, 1879.
Signed at Lima, July 16, 1897.*

[Ratifications exchanged at Lima, June 18, 1898.]

(Translation.)

HER Majesty the Queen-Regent of Spain, in the name of her august son Don Alfonso XIII, and his Excellency the President of the Republic of Peru, being desirous of strengthening and consolidating the cordial relations of amity and good understanding existing between the two nations, of giving facilities to the respective citizens, or subjects, for the exercise of their professions, and of removing for the future every ground of discord and disagreement, have agreed to give a wider scope to the Treaty of Friendship signed at Paris on the 14th August, 1879, and for that purpose have named as their Plenipotentiaries :

Her Majesty the Queen-Regent of Spain, Don Julio de Alcaraz, Her Envoy Extraordinary and Minister Plenipotentiary in Peru, and

His Excellency the President of the Republic of Peru, Don Enrique de la Riva Agüero, Minister of State for Foreign Affairs.

Who, having communicated to each other their respective powers, which were found to be in good and due form, have agreed upon the following Articles :—

ART. I. Every controversy or difference which may arise between Spain and Peru as regards the interpretation of Treaties in the present or which may be so in the future shall be determined by an irrevocable decision of an arbitrator proposed and accepted by mutual consent. The differences which may arise concerning matters not contemplated by the said Treaties or Agreements, shall

ed to arbitration, but should there be non-concurrence the adoption of this course, owing to the questions being affect the national sovereignty, or if, on the other hand, their nature, they are incompatible with arbitration, both ts shall be under the obligation in every such case ne mediation, or good offices of a friendly Government ceeful solution of every controversy. In every case of the High Contracting Parties shall establish by mutual a procedure, terms, and formalities to be observed by the the parties during the course of the arbitration, and for nation of the case submitted.

the national status of Peruvians or Spaniards shall be in each of the respective countries by its own legis- so the jurisdictional effects thereof, unless both Govern- ld hereafter enter into special Agreements of a reciprocal erving such questions of nationality and naturalization. e rule shall obtain as regard corporations, whether they ile firms or others recognized by law in either of the two and domiciled and established therein. The national corporations is distinct from the individual nationality ners.

the event of a Spaniard in Peru, or a Peruvian in Spain, t in internal questions or civil wars in either of the he shall be treated, tried, and, should there be ground ndemned in the same manner and by the same process efore the same Tribunals, to which the natives, who may ar circumstances, are amenable.

e two Governments shall not hold each other responsible s, vexations, or exactions, which the natives of one of tes may suffer on the territory of the other at the hands onists during an insurrection or civil war, or during r riots, or at the hands of tribes, or wild hordes, over e Government has no control, unless there may have e opinion of its own Tribunals, fault or want of vigilance of the authorities of the country. The Governments of Spain, shall not therefore hold each other responsible their own acts, or for those done by their agents in e of their functions. Nevertheless it is understood that ans and Spaniards shall be entitled to the compensation, or favourable indemnities which the respective Governments under said circumstances to their own citizens or other

Spaniard in Peru or a Peruvian in Spain should take y sedition, rebellion, or civil war; if he should usurp ghts, or if he should undertake any office, employment or

function, to which political authority or jurisdiction is he forfeits all claim to the exemptions, and to all rights by foreigners, which Treaties or international law may and he shall be on the same footing as the natives to responsibility for his acts.

VI. Spaniards in Peru and Peruvians in Spain shall have the same civil rights as citizens or subjects; and the laws of police or security shall be equally applicable to them. In all cases their property, rights, criminal responsibilities, and actions shall be protected, recognized, or dealt with by the competent Judicial and Administrative authorities who protect, or deal with those of the natives. The sentences, decrees, and decisions which may be pronounced as regards their petitions, complaints, or actions, and which may have finality in conformity with the appeals, processes, and proceedings allowed by local law, shall be binding in law, and carried into effect, in the same manner as when citizens of each country are dealt with. Spaniards or Peruvians in Spain shall not be entitled to diplomatic immunity except in the event of a manifest denial of justice, that is negligence in the administration of it.

VII. The two High Contracting Parties in accordance with their respective laws reserve to themselves the right to refuse admittance to, or expulsion from their territory of persons owing to their vicious life or to their conduct, might be dangerous. The mode of expulsion which each of the two Governments may adopt, shall be communicated by it to the Representative of the other in the country.

VIII. University or professional diplomas and degrees granted in either of the two countries to Peruvian or Spaniards shall be reciprocally recognized as valid in the other, provided that their authenticity, and the identity of the holder be established. The authenticity shall be established by the respective Governments at the proper time and in the usual manner and the identity proved by a certificate issued by the respective Governments in default thereof by any Consular authority residing in the country in which the certificate is issued and which shall also be valid in the other.

By means of these formalities, and providing that both Governments communicate the programmes of studies to each other, and come to an arrangement respecting any further administrative details, the studies commenced in the colleges, universities, or special schools of either country may be continued in the other, or the professions to which the certificates refer may be exercised, it being understood that the parties interested shall be subject to all regulations, fees, and duties, to which the natives of each country are subject.

the stipulations of this Treaty neither alter nor modify force between Peru and Spain by virtue of existing regarding matters not comprised herein.

The present Treaty shall be ratified in accordance with the respective laws, and the ratifications exchanged at Lima as soon as possible.

The ratifications shall remain in force for one year from the day on which one of the Contracting Parties may denounce it, either in whole or in part.

Whereof we, the Undersigned, have signed it in duplicate at Lima, the 16th day of July, 1897.

(L.S.) E. DE LA RIVA AGÜERO.

(L.S.) JULIO DE ARELLANO.

*MOZAMBIQUE DECREE, extending the Concessions granted to the Mozambique Company.—Lisbon, December 22, 1893.**

Whereas the representations made to me by the Mozambique Company asking that the Concessions referred to in the Decrees of the 11th February† and of the 30th March 1891, may be amplified so that they may also comprise the region to the south of the River Save (or Sabi); and whereas the Mozambique Company has at its disposal important means of action, and consequently it is highly expedient that the territory alluded to should be administered by that Company, in order to insure the proper development and defence of those territories;

Whereas the advice of the Consultative Board of the Colonies and the Council of Ministers;

Whereas the power conferred upon the Government in the 15th Article of the first Additional Act to the Constitutional Charter;

I hereby decree:—

1. The administration and "exploitation" of the territory on the north by the River Sabi from its mouth to its confluence with the Lundi, on the west by the frontier line as far as the village of Mpopo, and following the course of this river as far as the point where it is intersected by the 32nd meridian, near Chahalata,

* "Diário do Governo" of December 26, 1893.

† Vol. LXXXIII, page 391.

on the south, by the direct line starting from the last-named point as far as that where the 32nd meridian intersects the 22nd parallel of latitude, and following the course of the said parallel of latitude as far as the sea, and, on the east, by the Ocean, is granted to the Mozambique Company, under the same conditions as are laid down in the Decrees, having the force of law, of the 11th February, and the 30th July, 1891.

2. Any laws contrary thereto are hereby revoked.

The Minister and Secretary of State for Marine and Colonies shall accordingly carry this Decree into effect.

Given at the Palace, the 22nd December, 1893.

THE KING.

JOÃO ANTONIO DE BRISSAC DAS NEVES FERREIRA.

ACT of the Congress of the United States, to provide for the fulfilment of the Stipulations of the Treaty between the United States and Great Britain, signed at Washington, on the 8th day of February, 1896, respecting the Behring Sea Seal Fishery Arbitration.

[Chap. 161.]

[May 7, 1896.]

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the sum of 75,000 dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of State, with the approval of the President of the United States, in fulfilling the stipulations of the Treaty between the United States and Great Britain signed at Washington on the 8th day of February, 1896.* And the Commission constituted by said Treaty, when sitting at San Francisco, shall have power to compel the attendance and testimony of witnesses by application to the Circuit Court of the United States for the 9th circuit, which said Court is empowered and directed to make all orders and issue all processes necessary and appropriate to that end.

Approved, 7th May, 1896.

* Vol. LXXXVIII, page 8.

*PROCLAMATION by the President of the United States,
of the Copyright Act to Mexico. — Washington,
February 27, 1896.*

As it is provided by section 13 of the Act of Congress of March, 1891,* entitled "An Act to amend Title LX, of the Revised Statutes of the United States, relating to" that said Act "shall only apply to a citizen or subject of a State or nation when such foreign State or nation accords to the citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign State or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, the terms of which Agreement the United States of America, at its pleasure, become a party to such Agreement;" and whereas it is also provided by said section that "the conditions of either of the conditions aforesaid shall be determined by the President of the United States by Proclamation made from time to time as the purposes of this Act may require;" and whereas satisfactory official assurances have been given that the United States of Mexico the law permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to the citizens of that Republic:

Therefore, I, Grover Cleveland, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the Act of the 3rd March, 1891, exists and is fulfilled in respect to the citizens of the United States of Mexico.

In testimony whereof I have hereunto set my hand and caused the Seal of the United States to be affixed.

Witness my hand at the city of Washington, this 27th day of February, 1896, the day of the Independence of the United States the 120th.

(L.S.) GROVER CLEVELAND.

By _____
The President:

OLNEY, *Secretary of State.*

* Vol. LXXXIII, page 97.

*PROCLAMATION by the President of the United States
for the Protection of Fur-Seals in the North Pacific
Washington, April 14, 1896.*

THE following provisions of the laws of the United States are hereby published for the information of all concerned :—

Section 1956, Revised Statutes, Chapter 3, Title XXI, provides that "No person shall kill any otter, mink, marten, sable, seal, or other fur-bearing animal within the limits of the Territory, or in the waters thereof; and every person guilty of such offence shall, for each offence, be fined not less than 200 dollars nor more than 1,000 dollars, or imprisoned not more than six months; and all vessels, their tackle, apparel, furniture, and cargo, engaged in violation of this section shall be forfeited; the Secretary of the Treasury shall have power to authorize the use of any such mink, marten, sable, or other fur-bearing animal for seals, under such Regulations as he may prescribe; it shall be the duty of the Secretary to prevent the killing of any fur-seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law: nor shall any special privileges under this section."

Section 3 of the Act entitled "An Act to provide for the regulation of the Salmon Fisheries of Alaska;" approved the 2d March 1889,* provides:

"Sec. 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to the dominion of the United States in the waters of Behring Sea; and it shall be the duty of the President, at a timely season in each year, to issue his Proclamation and cause the same to be published one month in at least one newspaper, if any such there be published at each United States' port of entry on the Pacific Coast, warning all persons against entering said waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise said waters to arrest all persons, and seize all vessels found to be, or have been, engaged in any violation of the laws of the United States therein."

The Act entitled "An Act to extend to the North Pacific Ocean the provisions of the Statutes for the protection of fur-seals and other fur-bearing animals" approved the 21st March 1893, provides:

"That whenever the Government of the United States shall conclude an effective international arrangement for the protection of fur-seals in the North Pacific Ocean, the President shall issue a Proclamation to that effect."

* Vol. LXXXI, page 237.

in the North Pacific Ocean, by agreement with any Power, result of the decision of the Tribunal of Arbitration under Convention concluded between the United States and Great Britain, 29th February, 1892,* and so long as such arrangement remains in force, the provisions of section 1956 of the Revised Statutes, and the provisions of the Statutes of the United States, so far as they may be applicable, relative to the protection of fur-seals or fur-bearing animals within the limits of Alaska, or in the waters thereof, shall be extended to and over all that portion of the Pacific Ocean included in such international arrangement. When such international arrangement is concluded as aforesaid, it shall be the duty of the President to declare that fact by Proclamation, and to designate the portion of the Pacific Ocean to which the Act is applicable, and that this Act has become operative; and when such arrangement ceases, to declare that fact by Proclamation, and that this Act has become inoperative, and his Proclamation in this behalf made shall be conclusive. During the extension as provided for by said laws for the protection of fur-seals or other fur-bearing animals, all violations thereof in said designated portion of the Pacific Ocean shall be held to be the same as if committed within the limits of Alaska or in the waters thereof, but they shall be prosecuted either in the district Court of Alaska, or in the district Court of the United States in California, Oregon or Washington.

Where an arrangement having been made for the protection of fur-seals, the result of the decision of the Tribunal of Arbitration under Convention concluded as aforesaid, the 29th February, 1892, which prohibits the killing of seals at any time within a distance of 10 miles around the Pribilof Islands, or during May, June, and July of each year, in that portion of the Pacific Ocean, inclusive of the Bering Sea, situated to the north of 35th degree of north latitude and westward of the 180th degree of longitude from Greenwich, which strikes the water boundary described in Article I of the Convention of 1867 between the United States and Russia, and following the line up to Behring Straits.

Wherefore, be it known that I, Grover Cleveland, President of the United States of America, hereby declare that the said Act of the 21st February, 1893, has become operative; in accordance therewith, section 1956 of the Revised Statutes, and the provisions of the Statutes of the United States, so far as they are applicable to the waters above mentioned, included in the Award of the Tribunal at Paris given under the said Convention of the 29th February, 1892, and that I have caused the foregoing laws to be proclaimed to the end that their provisions may be fully observed.

* Vol. LXXXIV, page 48.

I hereby proclaim that every person guilty of a violation of the provisions of said laws, and of any other provisions of the laws of the United States so far as the same may be applicable to the protection of fur-bearing animals within the limits of the United States in the waters thereof, will be arrested and punished as provided, and all vessels so engaged, their tackle, apparel, and cargo, will be seized and forfeited.

In testimony whereof I have hereunto set my hand and the seal of the United States to be affixed.

Done at the city of Washington, this 14th day of April, A. D. 1896, year of our Lord 1896, and of the Independence of the United States the 120th.

(L.S.) GROVER CLEVELAND

By the President:

RICHARD OLNEY, *Secretary of State.*

*PROCLAMATION by the President of the United States
applying the Copyright Act to the Republic of Chile,
Washington, May 25, 1896.*

WHEREAS it is provided by section 13 of the Act of the 3d March, 1891,* entitled "An Act to amend Chapter 3, of the Revised Statutes of the United States, Copyrights," that said Act "shall only apply to a citizen of a foreign State or nation when such foreign State or nation accords to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign State or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, and the United States of America, in terms of which Agreement the United States of America may, at its pleasure, become a party to such Agreement;"

And whereas it is also provided by said section 13 that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by Proclamation from time to time as the purposes of this Act may require;"

And whereas satisfactory official assurances have been received from the Republic of Chile the law permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to the citizens of that Republic:

Now, therefore, I, Grover Cleveland, President of the United States of America, do declare and proclaim that the f

* Vol. LXXXIII, page 97.

conditions specified in section 13 of the Act of the 3rd March, 1891, now exists and is fulfilled in respect to the citizens of the Republic of Chile.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 25th day of May, 1896, and of the Independence of the United States the 120th.

(L.S.) GROVER CLEVELAND.

By the President:

RICHARD OLNEY, *Secretary of State*.

PROCLAMATION by the President of the United States, reimposing Tonnage Dues on Vessels arriving from German Ports.—Washington, December 3, 1896.

WHEREAS by a Proclamation of the President of the United States, dated the 26th January, 1888,* upon proof then appearing satisfactory that no tonnage or lighthouse dues, or any equivalent tax or taxes whatever, were imposed upon American vessels entering the ports of the Empire of Germany, either by the Imperial Government or by the Governments of the German Maritime States, and that vessels belonging to the United States of America and their cargoes were not required in German ports to pay any fee or due of any kind or nature, or any import due higher or other than was payable by German vessels or their cargoes in the United States, the President did thereby declare and proclaim, from and after the date of his said Proclamation of the 26th January, 1888, the suspension of the collection of the whole of the duty of 6 cents per ton, not to exceed 30 cents per ton per annum, imposed upon vessels entered in the ports of the United States from any of the ports of the Empire of Germany by section 11 of the Act of Congress approved the 19th June, 1886, entitled "An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes;"†

And whereas the President did further declare and proclaim in his Proclamation of the 26th January, 1888, that the said suspension should continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes should be continued in the said ports of the Empire of Germany and no longer;

* Vol. LXXIX, page 882.

† Vol. LXXVII, page 598.

And whereas it now appears upon satisfactory proof that tonnage or lighthouse dues, or a tax or taxes equivalent thereto, are in fact imposed upon American vessels and their cargoes entered in German ports higher and other than those imposed upon German vessels and their cargoes entered in ports of the United States, so that said Proclamation of the 26th January, 1888, in its operation and effect contravenes the meaning and intent of said section 11 of the Act of Congress approved the 19th June, 1886:

Now, therefore, I, Grover Cleveland, President of the United States of America, by virtue of the aforesaid section 11 of the Act aforesaid, as well as in pursuance of the terms of said Proclamation itself, do hereby revoke my said Proclamation of the 26th January, 1888, suspending the collection of the whole of the duty of 6 cents per ton, not to exceed 30 cents per ton per annum (which is imposed by the aforesaid section of said Act), upon vessels entered in the ports of the United States from any of the ports of the German Empire; this revocation of said Proclamation to take effect on and after the 2nd day of January, 1897.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 3rd day of December, in the year of our Lord 1896, and of the Independence of the United States the 121st.

(L.S.) GROVER CLEVELAND.

By the President:

RICHARD OLNEY, *Secretary of State*.

SPEECH of the King of Sweden and Norway, on the Opening of the Norwegian Storting.—Christiania, February 3, 1896.

(Translation.)

GENTLEMEN,

THE relations of the United Kingdoms towards all foreign Powers continue to be friendly.

As the kingdoms hitherto have maintained full liberty of action, not giving any promise of assistance to any foreign Power in event of dissensions or complications that may arise, so also it is my hope that they will be able to take up a similar attitude of complete independence in the future.

After the appointment by me, on the 14th October last year, of a new Ministry in which the different political parties are represented, Norwegians and Swedes met together, by my directions, for the purpose of opening up negotiations on matters relating to the

ese gentlemen held several meetings for the discussion
ect in Stockholm during December last, and they will
ir deliberations in Norway this year after the conclusion
edings of the Storthing. I cherish the hope that their
open up the way to an agreement which will bring
iness to both my peoples.

er of important Bills will be laid before you, among
l draw your special attention to Bills proposing new
connection with the Higher National Schools, the
Ecclesiastical Officials and Church Singers, alterations in
otey Acts, Minors, Pilotage, the Requisition and Enrol-
urses in case of Mobilization, as well as Bills laid before
rthing, but not discussed by it, and which will now be
efore you, namely, Acts relating to the Treatment of
Children, Building, changes in legislation relating to
Military Service, to Workmen's Insurance against Sick-
Payment for Public Services.

otiations with the Portuguese Government for the con-
a Treaty of Commerce and Navigation are concluded,
ult that a new Treaty has been signed by the Plenipo-
It will be laid before you.

quence of a Resolution of the Swedish Rigsdag, re-
Swedish Law regulating the mutual Commerce and
of the United Kingdoms, the Norwegian Law of the
1890, relating to the same will be abolished in 1897. A
of Representatives from both Kingdoms has been ap-
onsider the drawing up of a new Law.

ecessary preliminary investigations in connection with the
of the Law of 1894, passed for the partial reorganization
Service, are so far advanced that the results of the same
to be announced in the near future.

questions relating to the national defence are under con-
and will be submitted to you, such as the Regulations
military conscription and education, and the increase of
of officers.

per Department is preparing a Bill regulating the cod-
the districts of Nordland and Tromsø, and a Bill for the
the manufacture and sale of margarine. Their preparation
ly soon be concluded. Efforts will also be made to
as fast as possible the necessary consideration of the
et relating to Joint-Stock Companies, and changes in the
on of military justice.

hereby declare the proceedings of the forty-fifth ordinary
f the Kingdom of Norway to be open, I invoke the
the Almighty upon your labours, and continue to extend

to you, good gentlemen and men of Norway, all my Royal favour.

TREATY of Commerce and Navigation between Mexico and the Netherlands.—Signed at Mexico, September 22,

[Ratifications exchanged at Mexico, July 12, 1824]

(Translation.)

THE President of the United States of Mexico and Her Majesty the Queen-Regent, in the name of Her Majesty the Queen of the Netherlands, being desirous of promoting the improvement of relations of friendship and commerce between the two countries, have resolved to conclude a Treaty with that object, and have appointed as their respective Plenipotentiaries :

The President of the United States of Mexico, Señor Don Francisco Leon de la Barra ; and

Her Majesty the Queen-Regent of the Kingdom of the Netherlands, Karel Maximiliaan Gustaaf von Düring, Officer of the Order of Orange-Nassau ;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles :—

ART. I. The respective citizens and subjects of each of the High Contracting Parties shall be on a complete equality with the natives of the other in all that regards the carrying on of commerce or industry, the payment of taxes and the acquisition and dispose of all kinds of personal property by purchase, sale, donation, exchange, will or succession *ab intestato*.

In all other respects they shall be on an equality with the subjects of the most favoured foreign nation.

The foregoing provisions shall not derogate the legal rights of the persons of western and those of eastern origin in the Dutch possessions in the Eastern Archipelago.

II. The produce and manufactures of the United States of Mexico, whatever their origin may be, and merchandise of distinction of origin, coming from such States, shall be admitted into the Kingdom of the Netherlands and its Colonies, on the same conditions as similar products of the most favoured foreign countries, without being subject to other or higher duties, of whatever kind, than the latter.

ally, the produce and manufactures of the Kingdom of
lands and its Colonies, whatever their origin may be, and
andize, without distinction of origin, coming from that
r its Colonies, shall be admitted into the United States of
the same conditions as similar products of the most
oreign nation, without being subject to other or higher
whatever kind, than the latter.

stipulations do not apply to the exemption from import
nted to the native States of the Eastern Archipelago,
duce imported into the Colonies of the Netherlands.

he two High Contracting Parties guarantee reciprocally
red-nation treatment in all that concerns transit and

o prohibition or restriction of importation or exportation
stablished in the commerce of the two countries, which
apply to all other nations, except for sanitary reasons or to
e spread of epizootic diseases or the destruction of crops,
unt of events of war.

all that relates to navigation the two High Contracting
arantee reciprocally most-favoured-nation treatment for
and cargoes of the other.

dispositions do not apply to the privileges granted in
Colonies to the native States of the Eastern Archipelago.
e High Contracting Parties agree to consider, as a limit of
orior waters on their respective coasts, the distance of
eckoned from the line of low-water mark. Nevertheless
tion shall have no effect, except in what may relate to the
and application of the Custom-house Regulations and
res for preventing smuggling, and can in no way be
o other questions of international maritime law.

he citizens and subjects of each of the two High Con-
arties shall enjoy in the dominions of the other, on
itions, the same protection as the natives of the country
zens or subjects of the most favoured foreign nation
ing referring to the ownership of trade or mercantile

The citizens and subjects of each of the two High Con-
arties shall enjoy in the dominions of the other, in
f commerce, navigation, industry, and taxes, all the
exemptions and favours which may have been or may
ure be granted to the citizens or subjects of the most
oreign nation.

he citizens and subjects of each of the High Contracting
all enjoy in the dominions of the other complete liberty
ce, and shall be allowed to practise their religion in

the manner permitted by the Constitution and the laws of the country.

X. The citizens and subjects of each of the two High Contracting Parties shall enjoy in the dominions of the other the ample and constant protection for their persons, houses and property.

They shall not be entitled to indemnifications for losses sustained in time of insurrection or civil war, at the hands of insurgents, tribes or savage hordes who may have risen against the Government, except where there may have been fault or want of vigilance on the part of the authorities or their agents.

XI. The High Contracting Parties agree to concede to their Diplomatic and Consular Agents of the other, the same rights, privileges and immunities as are, or may in future be enjoyed in equal circumstances, by the Diplomatic and Consular Agents of the same rank of the most favoured foreign nation.

XII. In the case of the death of a citizen or subject of either of the High Contracting Parties in the dominions of the other, should there not be at the place where the death takes place any known heir, either personally present or represented, or an executor appointed by the deceased, or, in the case of the deceased being a minor, a guardian, the respective Consular authority shall have the right to perform, for the preservation and administration of the estate, whatever acts are or may in the future be permitted to the Consular functionaries of the most favoured foreign nation.

XIII. All operations respecting the salvage of Mexican vessels which may be shipwrecked on the coasts of the Netherlands shall be directed by the Mexican Consular officers, and reciprocally the Dutch Consular officers shall direct all the operations relating to the salvage of any vessels of their nation which may be wrecked or stranded on the coasts of Mexico.

The local authorities of the two countries shall only intervene for the purpose of maintaining order, guaranteeing the interests of the salvors if these do not belong to the crew of the shipwrecked vessel, and insuring the execution of the necessary measures for the entry and clearance of the merchandize saved.

During the absence and until the arrival of the Consular officers, the local authorities shall also take the necessary steps for the protection of the shipwrecked persons and the preservation of the cargo.

It is likewise agreed that the merchandize saved shall not be subject to Custom-house duties unless cleared for consumption.

XIV. The Consular officers of the two countries may cause to be arrested, and may send on board or remit to their country, any officers, seamen or other members of the crew of a war or merchant

ness of their nation, who may have deserted in one of the ports of the other.

For this purpose, they shall address themselves in writing to the competent local authorities, and prove, by the presentation of the original or a duly certified copy of the ship's register or of the list of the crew, or by other official documents, that the individuals claimed formed part of such crew.

On their demand being proved, they shall be given all possible assistance in searching for and arresting such deserters, who shall be detained and guarded in the public prisons of the country at the request and the expense of the Consular functionaries, until the latter find an opportunity of sending them on.

Nevertheless, if such opportunity does not present itself within the period of two months counted from the day of the arrest, the deserters shall be set at liberty and shall not be re-arrested for the same cause.

It is understood that persons who may be citizens or subjects of the nation in which the request is made, are excepted from the above stipulations.

Should the deserter have committed some offence, he shall not be placed at the disposal of the Consul until the competent Court has given a decision in the matter and until the sentence, if any, has been carried out.

XV. Any questions or controversies on the subject of the interpretation, application or execution of the present Treaty, which cannot be decided amicably, shall be submitted to the decision of a Board of Arbitrators. Each of the two High Contracting Parties shall appoint an Arbitrator, and these two Arbitrators shall appoint a third. If an Agreement cannot be arrived at with regard to a third Arbitrator, the latter shall be appointed by the Government of some third State, to be selected by the High Contracting Parties.

XVI. The High Contracting Parties, animated by a desire to avoid anything which might disturb their friendly relations, agree that their Diplomatic Representatives shall not intervene officially (except to obtain, where the occasion warrants, a friendly arrangement) in the claims or complaints of private individuals, relating to matters which are within the jurisdiction of the Civil or Criminal Courts, and which have already been submitted to the Tribunals of the country, except in the case of denial of justice, delay in its administration, contrary to usage or the law, or non-execution of a sentence definitely and finally decided by the Tribunals, or lastly, in those cases in which, in spite of the legal resources having been exhausted, there is an evident violation of the existing Treaties between the two High Contracting Powers, or of the principles

of international law, whether public or private, universally recognized by civilized nations.

XVII. The present Treaty shall come into operation months after the exchange of the ratifications, and shall continue in force for five years from the latter date.

If neither of the two High Contracting Parties shall have given notice twelve months before the expiration of such period of their intention of terminating the present Treaty, it shall remain in force until the expiration of one year from the day on which either of the two High Contracting Parties shall have given notice.

The present Treaty shall be ratified, and the ratifications exchanged in Mexico, as soon as possible, after the constitutional formalities required in both countries have been fulfilled.

In witness whereof the respective Plenipotentiaries have signed the said Treaty in two originals, and have affixed their seals thereto.

Done in Mexico, the 22nd day of September, 1897.

(L.S.) F. L. DE LA BARRA.

(L.S.) CARL MAX GUSTAV VON DÜRER.

BELGIAN NOTIFICATION of Agreement between Belgium and Germany, respecting Tonnage Measurement of Vessels, January 1, 1897.

A LA suite de modifications apportées aux règlements en vigueur en Allemagne en matière de jaugeage des navires de mer, un nouveau accord, destiné à remplacer celui qui a fait l'objet de l'avis inséré au "Moniteur Belge" du 26 Avril, 1884, est intervenu entre la Belgique et l'Allemagne pour la reconnaissance réciproque des certificats de jaugeage délivrés dans les deux pays.

Il a été convenu que les règles ci-après seraient appliquées à partir du 1^{er} Janvier, 1897, dans les ports Belges et Allemands :

I. Dans les ports Belges—

(a.) Seront reconnus sans nouvelle opération de jaugeage les certificats de jaugeage nationaux des navires à voiles Allemands, les certificats de jaugeage réguliers, délivrés avant le 1^{er} Janvier, 1895, des navires à vapeur Allemands ;

(b.) Ne seront pas reconnues les données relatives au tonnage net renseignées aux certificats de jaugeage délivrés depuis le 1^{er} Juillet, 1895, aux navires à vapeur Allemands, ni les données

* "Moniteur Belge" of January 10, 1897.

aux certificats de jaugeage spéciaux des navires à vapeur livrés avant cette date d'après les règles de déduction Angleterre, conformément au § 17 de l'Ordonnance Alle-
Juin, 1888, sur le jaugeage des navires.

blir, dans le cas prévu à l'alinéa précédent, le tonnage des droits de navigation, on déterminera les espaces à et les machines, les chaudières et les soutes à charbon ègles en vigueur en Belgique, en recourant au calcul. édera à un nouveau mesurage des dits espaces que a impossible d'opérer le calcul à l'aide des données aux certificats de jaugeage Allemands. Les autres cessaires à la détermination du tonnage net seront s nouvelle opération de jaugeage, telles qu'elles figu- les certificats de jaugeage Allemands.

rmément à ce qui précède, un nouveau jaugeage partiel sable, celui-ci sera limité au strict nécessaire, et, dans ce de jaugeage à en résulter ne seront calculés que pour éellement mesurés.

s les ports Allemands les certificats de jaugeage es navires à voiles et à vapeur Belges seront reconnus e opération de jaugeage.

s, les navires à vapeur Belges pourront, pour le paye- roits de navigation, demander que les espaces à déduire chines, les chaudières, et les soutes à charbon soient d'après les §§ 14 (b) et 15 de l'Ordonnance Allemande 1895, sur le jaugeage des navires. Cette détermination par un nouveau mesurage que lorsqu'il sera impossible calcul des dits espaces à l'aide des données renseignées tificats de jaugeage Belges. Si, dans certains cas, ni le nouveau mesurage ne sont possibles, l'autorité du port a demande du capitaine du navire, s'en rapporter au t indiqué dans le certificat de jaugeage, diminué de t.

ATION entre la Belgique et la France, en vue de
er les Rapports de ces deux Pays en Tunisie.—Signée
elles, le 2 Janvier, 1897.

change des ratifications a eu lieu le 25 Mars, 1897.]

de déterminer les rapports de la Belgique et de la France
et de bien préciser la situation conventionnelle de la

Belgique dans la Régence, les Soussignés, dûment autorisés par leurs Gouvernements respectifs, font, d'un commun accord, la déclaration suivante :—

Les Traités et Conventions de toute nature en vigueur entre la Belgique et la France sont étendus à la Tunisie.

La Belgique s'abstiendra de réclamer pour ses Colonies ressortissantes, et ses établissements en Tunisie d'autres privilèges que ceux qui leur sont acquis en France.

Il est bien entendu au surplus que le traitement de la Tunisie plus favorisée en Tunisie ne comprend pas le traitement de France.

Fait en double à Bruxelles, le 2 Janvier, 1897.

(L.S.) P. DE FAVERY

(L.S.) MONTHOLON

RAPPORT au Roi-Souverain sur le Commerce de l'État Indépendant du Congo pendant du Congo pour l'année 1895.—Bruxelles, le 2 Janvier, 1896.

SIRE,

J'AI l'honneur de mettre sous les yeux de votre Majesté les documents statistiques du commerce de l'État Indépendant du Congo pour l'année 1895.

De ces documents il ressort que le mouvement commercial général—importations et exportations réunies, y compris le transit—s'est élevé l'année dernière à 23,971,689 fr. 92 c.

Dans cette somme globale le commerce spécial de l'État Indépendant du Congo pendant, qui comprend uniquement, à la sortie, les produits du territoire, et à l'entrée les marchandises consommées dans le pays, figure pour une valeur de 21,628,847 fr. 99 c. se décomposant comme suit :—

Exportations : 10,943,019 fr. 7 c.

Importations : 10,685,847 fr. 99 c.

Votre Majesté apprendra avec satisfaction que le commerce d'exportations cité ci-dessus présente une augmentation de 10,9 pour cent environ sur celui relevé pour l'année 1894.

Cet accroissement continue la progression qu'a suivie, depuis la fondation de l'État. Ce commerce a sextuplé pendant les dernières années. En effet, en 1886, les produits du territoire de l'État expédiés du Bas-Congo vers l'étranger s'élevaient à peu près 1,772,864 fr.; en 1889, ils atteignaient 4,297,543 fr.; en 1894, leur valeur s'élevait à 8,760,000 fr. L'augmentation accusée en 1895 par le chiffre de 10,943,019 fr. 7 c.

provient surtout du développement de plus en plus grand que prend le trafic de l'huile de palme, du caoutchouc, de l'ivoire.

Pendant l'année 1895 il s'est exporté pour 2,178,557 fr. d'huile de palme et de noix palmistes, soit 156 pour cent environ de plus qu'en 1886. Il y a lieu de noter que ces produits proviennent uniquement de la zone maritime, les frais de transport sur la route des caravanes rendant aujourd'hui leur récolte trop coûteuse dans l'intérieur du pays. L'achèvement de la voie ferrée entre le Stanley-Pool et Matadi permettra d'exploiter avantageusement dans tout le Bassin du Congo cet arbre utile, qui croît à profusion, sans culture, depuis la côte jusqu'au Lac Tanganyika. On peut dire que le champ de production de l'huile de palme se trouvera, aussitôt le chemin de fer achevé, plus de vingt fois élargi.

De tous nos produits d'exportation, le caoutchouc est celui dont le commerce a pris l'extension la plus rapide et la plus considérable. En 1895 il a été déclaré à la sortie pour 2,882,585 fr. de ce produit, alors qu'en l'année précédente les expéditions de cette gomme vers l'étranger n'atteignaient pas la moitié de cette somme. En comparant les quantités exportées pendant les deux années extrêmes de la période décennale qui vient de finir, on constate que le chiffre relevé par la Douane en 1895 est d'environ quinze fois supérieur à celui constaté en 1886, et, dès à présent, il est possible de prévoir pour l'année courante une production sensiblement supérieure à celle renseignée dans les statistiques de 1895.

A vrai dire, le Congo possède, dans le caoutchouc, un article de commerce dont la production peut se développer considérablement dans un avenir rapproché, et qui trouve chaque jour dans l'industrie des applications et des emplois nouveaux. Seules, l'Europe et les deux Amériques consomment environ 50,000,000 kilog. de cette gomme. Anvers est devenu le marché régulateur pour le caoutchouc Congolais. Les importations s'y sont graduellement élevées de 4,700 kilog. en 1889 à 62,695 kilog. en 1892, pour atteindre 531,074 kilog. en 1895. La qualité du caoutchouc du Congo s'améliore d'année en année et le produit obtient des prix croissants sur le marché d'Anvers.

En ce qui concerne l'ivoire, dont les exportations ont atteint le chiffre de 5,844,640 fr. en 1895, il y a une différence de 16 pour cent en faveur de cette année, comparée avec l'exercice précédent. Anvers reçoit également la majeure partie des expéditions de ce produit faites par les ports de l'État du Congo, et la métropole commerciale Belge dépasse actuellement, pour cette matière, le marché de Londres, jusqu'ici le plus important du monde.

En 1888 les importations d'ivoire Congolais en Belgique ne dépassaient pas 6,400 kilog.; quatre ans après elles se montaient à 118,000 kilog., et l'année dernière elles ne furent pas moindres de

362,000 kilog. La récolte de ce produit étant devenue plus et plus onéreuse, par suite de l'épuisement du stock indigènes, on peut s'attendre, d'ici peu de temps, à une des quantités d'ivoire exportées de l'Afrique. Ce fait sans doute une hausse correspondante des prix, qui ont a fermés pendant l'année écoulée.

Les bois, dont les envois en Europe n'ont pas dépassés cubes en 1895, feront certainement l'objet d'une exportation considérable pendant l'année en cours. L'exploitation active en activité dans les régions du Shiloango promet de faire commerce des essences forestières d'excellente qualité.

Bien que le café commence à être cultivé sur une vaste étendue et qu'il existe même à l'état sauvage dans presque toutes les parties de l'État, il ne donne pas encore lieu à un commerce d'exportation, à cause de la difficulté et de la cherté du transport, mais l'ouverture partielle du chemin de fer permettra bientôt de l'essor à ce commerce. C'est ainsi que les plantations établies par l'État, en de nombreuses localités du Haut-Congo qui comptent, d'après les derniers renseignements, environ 100,000 caféiers, pourront déjà, dans le courant de l'année prochaine, procurer un certain appoint au commerce d'exportation.

Le rendement annuel des arbustes en ce moment sur pied varie de 200,000 à 300,000 kilog.

Les remarques qui précèdent s'appliquent au cacao. La culture prend aussi de l'extension; il y avait, à la fin de l'année dernière, 26,688 cacaoyers sur pied dans les plantations du Gouvernement dans le Haut-Congo.

Le tabac, bien qu'il soit cultivé partout par les indigènes, n'alimente pas encore non plus le commerce d'exportation. Des champs d'essai, établis en ce moment par le Gouvernement, mettront de se rendre compte de la qualité et de la quantité du produit, lorsqu'il est obtenu au moyen de semences de Sumatra, et préparé selon les procédés suivis dans les Colonies.

Il me reste à passer brièvement en revue la situation du commerce spécial d'importation de l'État Indépendant.

Pendant l'année 1895 il a été déclaré en consommation 10,685,847 fr. de marchandises étrangères, alors qu'en 1894 les importations représentaient à peine une valeur de 1,800,000 fr.

Le mouvement commercial à l'entrée s'est développé rapidement, dans une progression identique à celle qu'ont eue les exportations, c'est-à-dire, qu'il a à peu près sextuplé pendant les dix dernières années. Dans le chiffre de 10,685,847 fr., la plus grande part revient pour 57 pour cent.

Ce résultat est très satisfaisant quand on considère que

de l'État, presque tous les articles envoyés au Congo
origine étrangère. En 1892 encore la Belgique n'im-
25 pour cent de la totalité des importations; en 1893 sa
était à 48 pour cent; en 1894 elle représentait 55 pour

principales marchandises Belges introduites au Congo sont
le laiton, les articles en métal, la quincaillerie, la cou-
verroterie, les denrées alimentaires, le matériel de chemin
machines, les armes.

quantités de spiritueux introduites sur notre territoire ont
moindres en 1895 que pendant l'année précédente; mais
certain que cette diminution se maintienne à l'avenir.

cependant, pour le bien des populations natives, de
es moyens de réduire davantage les importations des
ne augmentation sérieuse du taux des droits d'entrée,
reste par l'Acte de Bruxelles, amènerait ce résultat; cette
ale implique une entente préalable avec nos voisins que
nement s'efforcera de réaliser. Le Haut-Congo, fort
ent, est prémuni contre les abus de ce trafic, par la
absolue édictée par le Décret de votre Majesté du
1890;* cette prohibition vient d'être étendue par votre
la zone du portage au delà de la Rivière Kwilu.† Ces
esures, qui ne sont, du reste, que la consécration du
élaboré par les Puissances, auront pour effet de réduire,
l dépend de nous, ce commerce néfaste.

imé, l'année 1895 est, au point de vue commercial, la
ère que l'État Indépendant ait connue. Elle est égale-
satisfaisante en ce qui concerne le rendement des revenus
Les recettes réelles de l'État, c'est-à-dire, ses ressources
abstraction faite du subside de votre Majesté, de l'avance
du Gouvernement Belge et de toutes autres ressources
aires, telles que l'emprunt et les aliénations de vastes
se sont élevées à environ 3,600,000 fr. Elles dépassent
nt le total de nos perceptions de l'année dernière.

vé ci-après montre la progression qu'ont suivie les recettes
endant les dix dernières années, comparée avec le chiffre
es budgétaires.

* Vol. LXXXIV, page 365.

Decree of March 4, 1896. Vol. LXXXVIII, page 809.

Années.		Montant des Recettes.		
		Fr.		
1886	..	74,261	représentant	4·87 pour cent des dé
1887	..	200,755	"	10·61 "
1888	..	268,306	"	9·21 "
1889	..	515,094	"	16·06 "
1890	..	462,602	"	14·69 "
1891	..	1,319,545	"	28·97 "
1892	..	1,502,515	"	31·75 "
1893	..	1,817,475	"	33·40 "
1894	..	2,454,778	"	33·25 "
1895	..	3,600,000	"	47·00 "

Selon toutes les prévisions, nos recettes suivront leur marche progressive.

Je suis, &c.,

EDM. VAN EE

Bruxelles, le 5 Mars, 1896.

[Statistical Tables follow.]

DÉCRET du Roi des Belges, Souverain de l'État Indépendant du Congo, sur la Répression du Vagabondage et de la Mendicité.—Bruxelles, le 23 Mai, 1896.

LÉOPOLD II, Roi des Belges, Souverain de l'État Indépendant du Congo, à tous présents et à venir, salut :

Sur la proposition de notre Secrétaire d'État ;

Nous avons décrété et décrétons :

ART. 1^{er}. Tout individu de couleur trouvé en état de vagabondage ou mendiant sera arrêté et traduit devant le Tribunal de Première Instance compétent.

2. Le Tribunal vérifie, autant que possible, l'identité, l'état physique, l'état mental, et le genre de vie des individus traduits en justice du chef de vagabondage ou de mendicité.

3. Le Tribunal met à la disposition du Gouvernement les individus internés dans un des établissements désignés à l'Article 1^{er} pendant un an au moins et sept ans au plus, les individus qui exploitent la charité comme mendiants de profession, et ceux qui, par fainéantise, ivrognerie, ou dérèglement de mœurs, vivent habituellement de vagabondage.

ront également être mis à la disposition du Gouverneur-
être internés pendant un temps ne dépassant pas un an,
us trouvés en état de vagabondage ou mendiant, sans
circonstances mentionnées à l'Article précédent.

Gouverneur-Général pourra en tout temps faire recon-
frontière les individus de nationalité étrangère, adultes et
seront trouvés mendiant ou en état de vagabondage ou
été mis à sa disposition pour être internés.

ra pourvu à l'établissement de "maisons ou ateliers de
seront internés les vagabonds mis à la disposition du
nent.

dividus valides internés seront astreints aux travaux
ans l'établissement.

verneur-Général arrête le régime intérieur et la discipline
s de travail, et fixe les diverses catégories dans lesquelles
seront rangés selon leur âge, leurs aptitudes, leurs antécé-
leur degré de moralité.

unes vagabonds resteront, pendant la durée de leur interne-
rés des individus d'un âge plus avancé.

re Secrétaire d'État est chargé de l'exécution du présent
ai entre en vigueur ce jour.

à Bruxelles, le 23 Mai, 1896.

LÉOPOLD.

e Roi-Souverain :

EETVELDE, *Secrétaire d'État.*

É du Gouvernement du Congo, sur le Service des
ues aux Frontières Orientales de l'État.—Bruxelles,
Octobre, 1896.

crétaire d'État, considérant qu'il y a lieu de faciliter
ssement des formalités douanières aux frontières-orientales

rête :

1^{er}. Il est établi des bureaux de perception à M^{re}Towa,
Moliro, et Kibanga, où seront déclarées les importations et
ations.

autres bureaux seront créés ultérieurement par le Gou-
néral à la frontière sur les voies principales de com-
n avec l'étranger.

s déclarations d'importation et d'exportation pourront être
balement aux receveurs, qui les consigneront dans les

documents nécessaires, et délivreront, après paiement un permis portant quittance et autorisant l'entrée ou l'exportation des marchandises.

4. Le tarif des droits appliqués aux frontières orientales sera le même que celui appliqué à la frontière occidentale de l'État.

5. Pour les marchandises imposées *ad valorem* les droits seront perçus sur la valeur à la côte, d'après la mercuriale établie pour les importations dans le Bas-Congo.

6. Le paiement des droits sera effectué en nature ou en numéraire, au gré du déclarant. Les monnaies étrangères seront acceptées par les receveurs aux taux arrêtés par le Gouverneur Général.

Les droits pourront être payés en traites lorsque le déclarant sera muni d'une déclaration du Gouvernement étranger attestant la solvabilité. Les traites sur l'Europe seront passibles d'une réduction de 3 pour cent.

7. Les marchandises importées par les frontières orientales et qui traversent en transit le territoire de l'État Indépendant du Congo sont exemptes de tous droits et ne sont soumises au versement d'un cautionnement.

8. Les marchandises importées par des caravanes munies d'une autorisation réglementaire et qui n'ont pas été mises en vente sur le territoire de l'État, peuvent être réexportées et les droits perçus seront remboursés par la Douane.

9. Le présent Arrêté entre en vigueur ce jour.

Bruxelles, le 3 Octobre, 1896.

EDM. VAN ELSLANDT

DÉCRET du Roi des Belges, Souverain de l'État Indépendant du Congo, sur la Création d'Obligations de la Dette Publique de l'État Indépendant du Congo.—Bruxelles, le 1^{er} Octobre, 1896.

LÉOPOLD II, Roi des Belges, Souverain de l'État Indépendant du Congo, à tous présents et à venir, salut:

Considérant qu'il y a lieu d'émettre en emprunt public pour couvrir les dépenses extraordinaires autorisées par le Décret du 1^{er} Octobre 1896;

Considérant que le Gouvernement Belge a donné son assentiment à l'émission de cet emprunt, conformément à l'Article 1^{er} de la Convention du 3 Juillet, 1890;*

* Vol. LXXXII, page 1013.

proposition de notre Secrétaire d'État;

as avons décrété et décrétons :

er. Il est créé des obligations au porteur de la Dette
e l'État Indépendant du Congo, représentant au total un
ninal de 1,500,000 fr.

obligations portent intérêt à raison de 4 pour cent par an,
a 1^{er} Juillet, 1896. Elles sont de 100 fr., 500 fr., ou
de capital nominal. Elles peuvent être converties en
d'inscriptions nominatives.

ont munies de coupons d'intérêt semestriel payables à la
-Général de l'État Indépendant à Bruxelles, le 2 Janvier
illet de chaque année, en monnaies d'or, à leur valeur

coupons d'intérêt seront reçus dans les caisses de l'État,
valeur or, en paiement des droits de douane, des impôts et
sommes indistinctement dues au Trésor. Ils seront
perpétuité de tout impôt quelconque.

susdit emprunt ne pourra subir aucune conversion ni
a de revenu pendant dix ans à partir de ce jour.

es le cas où un privilège ou une garantie quelconque
onnés par l'État Indépendant du Congo pour la création
re dette ou la négociation d'un autre emprunt, ce privilège
garantie seraient acquis de plein droit au présent em-

re Secrétaire d'État est chargé de tout ce qui a trait à
a du présent Décret, qui entre en vigueur ce jour. Il
le taux et les conditions de vente ou d'émission des
s de cette dette.*

à Bruxelles, le 17 Octobre, 1896.

LÉOPOLD.

e Roi-Souverain :

EETVELDE, *Secrétaire d'État.*

* See Arrêté of November 10, 1896, page 624.

*ARRÊTÉ du Gouvernement du Congo, concernant la
Publique.—Bruxelles, le 10 Novembre, 1896.*

LE Secrétaire d'État,

Vu l'Article 6 du Décret du Roi-Souverain du 17 Octobre
créant la Dette Publique de 1,500,000 fr. ;

Arrête :

ART. 1^{er}. Des titres de la Dette Publique de l'État consistant en obligations au porteur et en inscriptions nominatives.

2. Les obligations au porteur sont délivrées aux risques des preneurs. Aucune réclamation ou opposition n'est admissible en cas de perte de ces obligations et de leurs coupons d'intérêt ; ils constituent les seuls titres de créance.

3. Il est ouvert pour chaque espèce ou série de dette un grand livre à la Trésorerie-Générale de l'État. Ce grand livre porte les inscriptions de rente dans l'ordre numérique ; chaque inscription nominative et donne lieu à un compte distinct.

4. Les inscriptions nominatives sur le grand livre constituent le titre des créanciers inscrits.

5. Les obligations au porteur peuvent être converties en obligations nominatives. A cet effet les obligations doivent être présentées avec tous les coupons d'intérêt à échoir, à la Trésorerie-Générale de l'État. Il est remis en échange, dans les conditions déterminées par décret, un extrait d'inscription délivré par le Trésorier-Général.

6. La reconstitution des rentes nominatives en titres au porteur s'opère au moyen d'une déclaration à la Trésorerie-Générale de l'État par le titulaire ou par son mandataire spécial.

7. Ne peuvent être reconstituées en titres au porteur les rentes dont le capital se compose d'un nombre exact d'obligations.

8. Le transfert au profit de tiers des rentes inscrites sur le grand livre a lieu sur la déclaration du propriétaire ou de son mandataire de la manière indiquée à l'Article 6.

L'acquéreur est saisi de la propriété et de la jouissance du montant du transfert par le seul fait de la signature du déclarant. Toute opposition postérieure à cette déclaration est considérée comme non avenue.

9. Tout transfert doit porter sur un nombre exact d'obligations suivant la série de dette à laquelle l'inscription appartient.

10. Les inscriptions, les transferts, et les reconstitutions

teur se font avec la jouissance des arrérages à compter
ur du semestre pendant lequel ces opérations ont lieu.
, pour les opérations qui s'effectuent dans le mois qui
néance d'un semestre, la jouissance n'est acquise qu'à
nestre suivant.

arrérages se règlent par semestre (2 Janvier-2 Juillet);
bles à la Trésorerie-Générale de l'État Indépendant du
re quittance, au porteur de l'extrait d'inscription.
ement est annoté sur cet extrait.

rentes nominatives, de même que leurs arrérages, ne
e frappées de saisies-arrêts ou opposition qu'en vertu
nt ou d'un acte public passé en forme exécutoire.

intérêts des obligations au porteur et les arrérages des
natives se prescrivent par cinq ans à compter de la date
e.

Arrêté ultérieur fixera les autres dispositions régle-
ui régiront le service de la Dette Publique, telles que
res à l'identité des déclarants, à leur capacité civile, aux
de propriété, aux changements d'état, à la perte et
ns des extraits, &c.

s, le 10 Novembre, 1896.

EDM. VAN EETVELDE

*du Roi des Belges, Souverain de l'État Indépendant
go, sur les Patentes à délivrer aux Agents de Com-
&c.—Bruxelles, le 21 Novembre, 1896.*

II, Roi des Belges, Souverain de l'État Indépendant du
us présents et à venir, salut:

tre Décret du 28 Mars, 1896;

ordonnance édictée le 29 Août dernier par notre Gou-
néral au Congo:

roposition de notre Secrétaire d'État;

s avons décrété et décrétons:

r. L'Ordonnance susvisée du 29 Août, 1896, est ap-
us les termes ci-dessous:—

e 1^{er}. Tout particulier, non astreint au paiement d'im-
directes et personnelles et opérant sur le territoire de
nalité d'agent de commerce, commis-voyageur, linguister,
&c., est soumis à une taxe annuelle, fixée à 10 fr., à
l'impôt ne soit déjà payé, de son chef, à titre d'ouvrier ou

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de domestique, par celui qui l'emploie, conformément au Décret du 16 Juillet, 1890, sur les impositions directes et personnelles.

"Art. 2. Il sera délivré, en acquit de la taxe, une patente spéciale, indiquant, outre la durée de sa validité, les nom, qualités, profession, et signalement du porteur, laquelle devra être produite par lui à toute réquisition de l'autorité.

"Les individus opérant, en l'une des qualités reprises au titre 1^{er}, pour le compte d'un tiers imposé, devront être munis de ceux qui les emploient d'une pièce d'identité contenant les mêmes mentions.

"Art. 3. La patente ou la pièce d'identité prescrite au titre 2 devra être présentée aux postes-frontière, à l'entrée ou à la sortie du territoire, et visée par les agents à ce délégués.

"Il sera perçu de ce chef, au profit du Trésor, une taxe de chancellerie de 5 fr. par visa.

"Art. 4. Toute infraction à l'une des dispositions de la présente Ordonnance sera punie d'une amende de 50 fr. à 200 fr., ou d'une servitude pénale de sept jours au maximum ou d'une de ces deux peines seulement.

"Art. 5. La patente pourra être refusée, par décision du Gouverneur-Général, à tout individu qui aura été condamné à des atteintes à la liberté individuelle d'indigènes; d'usurpation de fonctions publiques ou d'atteintes à la sûreté de l'État. La patente pourra ne lui être accordée que sous condition d'en faire usage dans une région déterminée ou en dehors des localités fixées par le Gouverneur-Général."

2. Notre Secrétaire d'État est chargé de l'exécution du présent Décret, qui entre en vigueur ce jour.

Donné à Bruxelles, le 21 Novembre, 1896.

Par le Roi-Souverain :

EDM. VAN EETVELDE, *Secrétaire d'État.*

DÉCLARATION between Russia and Spain, respecting the Tonnage Measurement of Vessels.—Signed at Madrid, 1897.

LES Soussignés, Ambassadeur Extraordinaire de Sa Majesté l'Empereur de Toutes les Russies et le Ministre d'État de Sa Majesté la Reine-Régente d'Espagne, dûment autorisés par leurs Gouvernements, déclarent que les navires appartenant à

et jautés d'après la méthode Anglaise, système Moor-
 teur tant dans l'Empire de Russie que dans le Royaume
 pour le jaugeage des bâtimens, seront admis, à charge de
 dans les ports de l'autre État sans être assujettis, pour
 des droits de navigation, à aucune nouvelle opération de
 tonnage net de registre inscrit sur les papiers de bord
 léré comme équivalant au tonnage net de registre des
 onaux.

ositions du Règlement Russe ne s'accordant pas entière-
 les dispositions Espagnoles relativement au mode suivi
 miner les espaces destinés aux soutes à charbon des
 apeur, les déductions à cet égard seront, pour les navires
 abordant dans un port Russe, calculées d'après un
 partiel des dits espaces en conformité du Règlement
 ionné le ^{20 Décembre, 1870}
^{1 Janvier, 1880}.

aux bateaux à vapeur Russes abordant dans un port
 s seront exemptés de rejaugage, et leur capacité, si les
 n expriment le désir, sera calculée d'après les chiffres
 ns les certificats de jauge en conformité du Règlement

, cependant, que dans le Grand Duché de Finlande les
 fixées par le Règlement du 4 Octobre, 1876, concernant
 des bâtimens ne s'accordent pas entièrement avec les
 du Règlement Espagnol du 2 Décembre, 1874, relative-
 mode de détermination du tonnage net des bateaux à
 été en outre convenu entre les Soussignés des stipula-
 tes :—

certificats de jaugeage Finlandais et Espagnols feront foi
 autre formalité dans les deux pays pour le tonnage brut
 bateaux quels qu'ils soient et pour le tonnage net des

Les certificats de jaugeage Espagnols délivrés après le
 e, 1874, seront reconnus en Finlande sans aucune autre
 l'égard du tonnage net des bateaux à vapeur ou des
 us par une autre force artificielle.

s, les propriétaires et les capitaines de ces bateaux à
 ont le droit de demander aux autorités Finlandaises le
 'après le Règlement Finlandais du 4 Octobre, 1876, des
 pées par les machines, les chaudières, et les soutes à

cas le tonnage net sera calculé d'après le tonnage brut
 as le certificat Espagnol et d'après le résultat de ce
 geage.

certificats de jaugeage Finlandais, délivrés après le
 7, seront reconnus en Espagne quant au tonnage net des

bateaux à vapeur ou des bâtiments mûs par une artificielle, non compris les places occupées par les m chaudières, et les soutes à charbon, qui devront être s jaugeage d'après les Articles 19, 20, 21, et 22 du Espagnol du 2 Décembre, 1874. Le tonnage net en d'après le tonnage brut indiqué dans le certificat Fi d'après le résultat de ce nouveau jaugeage.

3. Les frais de ces jaugeages partiels seront calculés Règlements en vigueur dans les deux pays, mais seulement mesurage des places qui ont été réellement jaugées.

Les dispositions qui forment l'objet de la présente commenceront à être appliquées simultanément dans les c

13 Juillet, 1897.

Fait en double expédition à Madrid, le 27 Février, 1897.

(L.S.) SCHÉV

(L.S.) DUC DE

ARRANGEMENT concernant le Régime Prophylactique à appliquer en temps d'Épidémie au Trafic-frontière entre la Russie et l'Autriche-Hongrie.—Signé à Vienne, le 13 Juillet, 1896.

Disposition Générale.

§ 1. LES principes adoptés par la Conférence de Dresde* seront en règle générale appliqués également au domaine du trafic-frontière. Ce n'est que dans le cas où la prophylaxie ne pourra, à cause des difficultés toutes p qui peuvent se présenter aux frontières, être considérée comme une garantie suffisante qu'on pourra avoir recours à des mesures de prévention plus rigoureuses d'après les règles suivantes.

Délimitation de la Zone-frontière, et devoirs qui incombent aux Autorités des Districts-frontière.

§ 2. Les dispositions du présent Arrangement s'appliquent aux territoires limitrophes des deux pays sur une zone d'une largeur dépassant pas 10 kilom. de chaque côté de la frontière.

§ 3. Seront appelées à veiller sur l'exécution des dispositions ci-dessus indiquées : en Russie, les Chefs des districts postaux qui ne s'éloignent pas plus de 10 kilom. de la frontière.

* Vol. LXXXV, page 7.

des provinces limitrophes sous l'autorité supérieure les districts sont placés; en Autriche-Hongrie, toutes les administrations de première instance dont la compétence est d'un district qui ne s'éloigne pas plus de 10 kilom. de la frontière, ainsi que les autorités de deuxième instance dont la compétence s'étend jusqu'à la frontière de l'État.

Les autorités indiquées dans le paragraphe précédent s'informent réciproquement sur l'apparition du choléra et sur les mesures prises contre la propagation de la maladie.

Pour garantir l'efficacité des mesures de prévention prises aux frontières pour obvier à l'invasion du choléra d'un district contigu, et dans le sens du § 2, ainsi que pour restreindre la propagation du choléra dans le district-frontière même, il est indispensable que les autorités des districts-frontière des deux États s'entraident autant qu'elles pourront.

Dès qu'il y a des informations réciproques qu'aux termes des stipulations de la Conférence de Dresde, les Gouvernements sont tenus de faire parvenir sur la première constatation cholérique et des mesures prises pour assainir le foyer contaminé, les Chefs des districts limitrophes et les Chefs des autorités administratives de première instance en Autriche-Hongrie de deux territoires limitrophes s'informent réciproquement, avec le moins de délai possible, c'est-à-dire immédiatement, sur l'apparition du choléra, et simultanément envoient des rapports officiels adressés à leur Gouvernement, sur les mesures prises pour étouffer la maladie et les mesures appliquées au commerce et au mouvement de la population. Ces dernières doivent être aussi communiquées par la voie consulaire aux Consuls qui se trouvent dans les rayons des territoires limitrophes.

Les autorités promulguent, en outre, dans leur propre district, les Ordonnances importantes émanant des autorités de première instance, pour préserver la population indigène des conséquences fâcheuses que pourrait entraîner l'ignorance des mesures de précaution en vigueur au delà de la frontière.

Il est à désirer que les autorités des districts intéressées soient informées, à temps, par les autorités compétentes de l'État limitrophe, dans le cas où une troupe d'individus venant d'un territoire limitrophe et par conséquent devant être placée sous contrôle sanitaire, doit être transportée dans le territoire de l'État voisin (voir

Instruction sur les lieux par des Fonctionnaires délégués dans le Territoire de l'État Limitrophe.

Pour faciliter l'information réciproque des autorités-frontières, les Consuls-ci seront tenus d'aider, autant que faire se pourra, les

fonctionnaires de l'administration sanitaire du pays limitrophe délégués en cas de nécessité par leur Gouvernement pour se renseigner sur les lieux sur l'état de santé du district voisin.

Ces fonctionnaires produiront, pour recueillir les renseignements voulus, leurs papiers de légitimation aux autorités de première instance en Autriche-Hongrie, et aux personnes, désignées par les Chefs de districts en Russie, dont on fera connaître les noms et lieux de résidence au préalable.

Contrôle Sanitaire dans le Service de Chemins de Fer et de Navigation Fluviale.

§ 7. Les mesures sanitaires introduites dans le service des chemins de fer et de la navigation fluviale pour surveiller la circulation des voyageurs et le mouvement des marchandises pourront être adoptées également dans le service de chemins de fer et de navigation locale pour les stations situées en proximité d'un district contaminé, ainsi que pour les stations situées à l'embranchement de routes fréquentées.

Pour les procédés à suivre dans le service de navigation fluviale, on s'en rapporte aux dispositions du Règlement recommandé par la Conférence de Dresde du 15 Avril, 1893.

Prohibition partielle du Passage de la Frontière.

§ 8. Pour assurer le fonctionnement de ces stations de révision et pour garantir en même temps, sauf le contrôle sanitaire dans l'étendue admise par la dite Conférence, le passage de ces points-frontière, on pourra avoir recours à la prohibition du passage de la frontière aux points intermédiaires.

De même on pourra fermer les stations de chemins de fer et de navigation fluviale dans lesquelles l'établissement de l'inspection sanitaire rencontrerait des difficultés.

Toutefois ces mesures prohibitives à l'égard des points-frontière et des stations ne seront prises qu'en cas de nécessité absolue.

Les Gouvernements Contractants échangeront la liste des points-frontière, dont la fermeture et où l'établissement de stations de révision pourraient être prévus.

Organisation des Stations Sanitaires de Frontière.

§ 9. Dans chacune des stations sanitaires la visite médicale se fera par un médecin.

La station sera munie des appareils de désinfection nécessaires. Les deux pays limitrophes se feront connaître les appareils et les

moyens de désinfection qui seront employés sur des points sanitaires respectifs.

On portera dans ces stations les premiers secours aux individus atteints du choléra dans une localité isolée et spécialement affectée à ce service.

Chaque station disposera, en outre, d'un emplacement convenablement organisé destiné à recevoir les personnes devant rester sous contrôle sanitaire.

Tout malade y trouvera, sans retard, les secours indispensables.

La station ne pourra refuser ces soins non plus à un ressortissant de l'État limitrophe devant être secouru, avant qu'elle se soit mise en rapport avec l'autorité locale compétente du district-frontière.

Interdiction du Passage de la Frontière.

§ 10. Le passage de la frontière ne pourra être refusé qu'aux vagabonds, émigrants, indigents, et pèlerins, lorsqu'ils viennent d'une zone frontière contaminée, et, dans ces conditions, aux personnes exerçant un commerce prohibé par Ordonnance de l'autorité compétente, tels que : chiffonniers, marchands, ambulants, &c.

Cette défense ne peut entrer en vigueur qu'à partir du jour de la promulgation et notification simultanée prévue au § 4, par l'autorité compétente, de l'Ordonnance respective.

Ces dispositions ne doivent nullement entraver la procédure d'extradition soit des vagabonds, des contrebandiers ou autres malfaiteurs.

Nécessité d'empêcher autant que possible le rassemblement d'Hommes en temps d'Épidémies.

§ 11. De même l'autorité compétente pourra, conformément aux Ordonnances sur le mouvement de ses nationaux, restreindre ou interdire l'entrée en masse des individus venant non seulement d'un district-frontière infecté, mais même indemne, pour se rendre aux marchés, foires, aux lieux de pèlerinage, à des assemblées, &c. Toutefois pareille interdiction ne pourra avoir lieu que dans des cas tout exceptionnels et par Ordonnance des Gouvernements à communiquer réciproquement, à l'avance et à temps.

Contrôle Sanitaire à la Frontière.

§ 12. D'autres personnes ne seront soumises qu'à une révision médicale, au contrôle de leurs effets, et éventuellement à un traitement spécial de prévention conformément aux dispositions adoptées par la Conférence Internationale de Dresde.

Mesures de Révision plus rigoureuses pour des cas particuliers.

§ 13. Une surveillance plus rigoureuse et plus étendue pourra être appliquée aux ouvriers sans travail ("Handwerksburschen" et "Wanderung, Masterovoi bez déla") et en masse, bateliers, et personnes vagrantes venant d'un endroit infecté, en faisant passer ces individus plusieurs fois la visite médicale et le contrôle de leurs effets.

Les objets reconnus spécialement suspects pourront même, après échange contre des effets nouveaux, être brûlés. Afin de faciliter la surveillance sanitaire, les transports en masse de ces personnes seront effectués, autant que possible, dans des wagons ou compartiments exclusivement affectés à l'usage de ces voyageurs. Il sera désirable d'indiquer à l'avance aux stations-frontière l'arrivée de ces masses.

Facilités à apporter à la Révision Sanitaire.

§ 14. Les employés en fonction, y compris le personnel du service sanitaire, afin de ne pas entraver l'exercice de leurs devoirs, ne seront, au sens de la Convention de Dresde, soumis à aucun traitement de prévention.

La circulation nécessaire pour l'exploitation ou l'administration d'une terre s'étendant au delà de la frontière sera facilitée autant que faire se pourra et réglée à l'avance par les autorités compétentes. Toutefois les propriétaires mixtes feront leurs demandes à ces autorités en temps opportun, et doivent les faire même sans attendre l'apparition de l'épidémie pour que les autorités puissent régler d'avance les formalités nécessaires pour le passage d'un territoire à l'autre, en cas d'épidémies.

Surveillance de la Circulation des Ouvriers à la Frontière.

§ 15. En cas d'apparition du choléra dans un district-frontière on se réserve de restreindre, autant que possible, l'aller et le retour des ouvriers employés dans les établissements, usines, chantiers, mines, &c., situés dans la zone-frontière.

Dans ce cas on se réserve également le droit de faire cesser complètement la circulation des ouvriers, et d'insister à ce que les ouvriers qui ont leur domicile dans un endroit contaminé au delà de la frontière soient logés là où ils travaillent. Toutefois le passage de la frontière pourra, mais sous des précautions particulières, être accordé à ces personnes un jour par semaine, par exemple, les Dimanches, et dans des cas spéciaux à décider par les autorités compétentes.

*Restrictions du Commerce par rapport à certains Objets provenant
d'un District-frontière contaminé.*

§ 16. Indépendamment des produits dont l'importation est interdite par les dispositions de la Conférence de Dresde, les autorités de l'État limitrophe ont droit d'exiger, en temps d'épidémie cholérique, des importateurs de lait, de produits de laitage, de légumes et de fruits provenant d'un district-frontière contaminé, la production d'un certificat de l'autorité compétente du lieu de provenance attestant l'innocuité de ces produits quant à la contagion.

Afin d'empêcher une restriction pas trop rigoureuse du trafic-frontière et pour obvier à la contravention des Ordonnances respectives qui sans doute en résulterait, on est convenu d'appliquer les prohibitions d'exportation prises en vue par la Conférence de Dresde pour les marchandises et articles de provenance suspecte dont l'entrée a été interdite par les États limitrophes également dans le domaine du trafic-frontière.

Fait à Vienne, le 25 Janvier, 1896.

(L.S.) KAPNIST.

(L.S.) GOLUCHOWSKI.

*ARRANGEMENT entre l'Autriche-Hongrie et l'Italie, pour
l'Application d'un Régime Sanitaire Spécial au Trafic des
Zones-frontière et au Trafic par Mer en temps de Choléra.—
Signé à Vienne, le 10 Décembre, 1895.*

Disposition Générale.

Le présent Arrangement, conclu en exécution des dispositions contenues aux Titres V, VI, et VIII, Annexe I, de la Convention Sanitaire de Dresde du 15 Avril, 1893,* concerne les mesures à appliquer dans les districts limitrophes des deux pays en cas de choléra, soit pour le trafic des zones-frontière, soit pour le trafic par mer.

1^{re} Partie.—Trafic des Zones-frontière.

§ 1. Les dispositions contenues dans cette partie de l'Arrangement s'appliquent aux territoires limitrophes des deux pays (y compris les fleuves et les lacs) sur une zone d'une largeur de 10 kilom. de chaque côté de la frontière.

§ 2. Seront appelées à veiller directement sur l'exécution de ces

* Vol. LXXXV, page 7.

dispositions les autorités gouvernementales compétentes zones-frontière des deux pays.

§ 3. Les autorités indiquées dans le paragraphe précédent formeront réciproquement sur l'apparition du choléra, conformément à la voie gouvernementale, sur la marche de la maladie les mesures prises pour la combattre.

§ 4. Les autorités du territoire où l'apparition du choléra a été constatée publieront en outre, dans leur propre district, les mesures importantes émanant des autorités de l'État visant à préserver les habitants du district-frontière des inconvénients qui pourraient entraîner l'ignorance des mesures sanitaires prises dans la zone-frontière du pays voisin.

§ 5. Pour faciliter l'information réciproque des autorités des deux territoires, celles-ci seront tenues d'aider, autant que faire se peut, les fonctionnaires sanitaires du pays limitrophe, délégués par leur Gouvernement pour constater sur place l'état de santé du district voisin.

Ces fonctionnaires produiront, pour recueillir les renseignements voulus, leurs papiers de légitimation, en Autriche-Hongrie aux autorités de première instance, et en Italie aux syndics des communes.

§ 6. Les mesures qui pourront être adoptées pour prévenir l'entrée de la peste dans la zone-frontière sont les suivantes :—

(a.) Défense d'introduction de toute espèce de linge sale d'usage sales. Cependant ces objets pourront être admis s'ils ont été soumis à une désinfection selon la manière prescrite par le Gouvernement intéressé. Les personnes voulant introduire de pareils objets par un point de la frontière qui n'est pas désinfecté, l'outillage de désinfection nécessaire seront renvoyées au point de la frontière le plus proche pourvu de ces moyens.

Les Administrations intéressées des deux pays établiront une liste des points-frontière où se trouvent les moyens de désinfection voulus.

(b.) Défense absolue d'introduction de hardes, de linge sale, de vêtements portés, destinés au commerce, de même que de couvertures, et autres effets de literie ayant servi.

Il est cependant entendu qu'aux termes du Titre IV de la Convention de Dresde ne pourront être refusés les charbonniers primés par la force hydraulique, qui sont transportés en caisses, marchandises en gros, par ballots cerclés de fer et portant des numéros d'origine acceptés par l'autorité du pays de destination ; les déchets neufs, provenant directement d'ateliers de tissage, de confection, et de blanchiment ; les laines ("Kunstwolle," shoddy) et les rognures de papier neuf.

(c.) Défense éventuelle du passage de la frontière aux Zingari et pèlerins venant en masse d'une circonscription.

de la zone-frontière, de même qu'aux vagabonds, mendiants, personnes exerçant un commerce prohibé pour cause de l'Ordonnance de l'autorité compétente.

cette disposition ne doit nullement entraver l'exécution des l'extradition, d'expulsion, ou de rapatriement.

Tout individu venant d'un endroit contaminé, situé dans la zone-frontière, pour passer dans la zone-frontière de l'autre État, est tenu à indiquer l'endroit où il se rend, afin d'être soumis à une surveillance médicale pendant cinq jours.

Les employés en fonction, y compris le personnel du service des douanes, afin de ne pas entraver l'exercice de leurs devoirs, ne sont pas, au sens de la Convention de Dresde, soumis à aucun traitement de prévention.

Les personnes de même exemptées du traitement de prévention sont les personnes ayant besoin de passer régulièrement la frontière pour leurs affaires de commerce ou pour la cultivation des terres. Cependant ces personnes devront se soumettre aux règles énoncées aux alinéas (a), (b), et (c) de ce paragraphe.

Le passage de la frontière pourra être interdit aux individus présentant des symptômes suspects de choléra. Les autorités de la zone-frontière dénonceront ces cas aux autorités administratives de la zone-frontière voisine, afin qu'elles prennent les mesures nécessaires. Elles leur prêteront tous les secours possibles à ces per-

Les autorités de chaque État préviendront à temps les autorités de la zone-frontière de l'État voisin dans le cas où une troupe ou une troupe venant d'un territoire contaminé devrait se rendre sur le territoire de l'État voisin. Elles tâcheront autant que possible de faire voyager dans des voitures spéciales et séparées, et s'inscrivent des cas de maladie cholérique survenus en route.

Dix jours après le dernier cas constaté de choléra, les mesures ci-dessus indiquées, sauf celle contenue dans l'alinéa (b) du paragraphe ci-dessus, sont à être supprimées, à condition que les mesures de désinfection nécessaires aient été exécutées.

II^e Partie.—*Trafic par Mer.*

Les dispositions établies dans la première partie de cet article seront appliquées aussi aux navires indemnes et en bonnes conditions hygiéniques qui font le trafic par mer le long des zones-frontière.

Lorsque les navires exerçant ce trafic seront reconnus suspects, ou bien en mauvaises conditions hygiéniques, on leur appliquera les mesures établies au Titre VIII, Annexe I, de la Convention de Dresde.

§ 3. Dans tous les cas les autorités compétentes des prendront les mesures nécessaires afin que le service desservant une ligne régulière soit entravé le moins possible l'application des mesures sanitaires. Elles veilleront en même temps à ce que les bateaux de pêche puissent exercer leur industrie de commerce avec toutes les facilités possibles.

§ 4. Une patente spéciale de santé sera exigée pour les navires lorsque l'existence du choléra aura été officiellement constatée dans la province à laquelle appartient le port de destination du navire.

En tout autre cas les navires exerçant le trafic entre les pays seront exemptés de l'obligation de produire une patente spéciale de santé. Il suffira d'une simple déclaration approuvée sur les papiers de bord par l'autorité maritime compétente, que les conditions normales du lieu de départ et du navire.

§ 5. Les deux Gouvernements se communiqueront les règlements sanitaires et des points de révision et de désinfection, ainsi que les modifications qu'ils y apporteraient.

Le présent Arrangement entrera en vigueur dès qu'il aura été sanctionné par échange de notes entre les deux Gouvernements. Il cessera ses effets six mois après dénonciation faite par l'une des Parties Contractantes.

Fait à Vienne, en double expédition, le 10 Décembre, 1881.

(L.S.) H. S.

(L.S.) PAG.

EXTRADITION TREATY between Austria-Hungary and Uruguay.—Signed at Monte Video, June 25, 1881.

[Ratifications exchanged at Monte Video, August 29, 1881.]

SEINE Majestät der Kaiser von Österreich, König von Ungarn, und Apostolischer König von Ungarn, und Seine Excellenz der constitutionelle Präsident der Republik Oriental von Uruguay, sind übereingekommen, einen Vertrag wegen Auslieferung von Verbrechern zu schliessen, und haben zu diesem Behufe Bevollmächtigten ernannt:

Seine Majestät der Kaiser von Österreich, Apostolischer König von Ungarn, Herrn Manuel Freiherrn von Salzburg, seinen Bevollmächtigten, und Seine Excellenz der constitutionelle Präsident der Republik Oriental von Uruguay, Herrn Dr. Juan Manuel de Rosas, seinen Bevollmächtigten, welche einen Vertrag wegen Auslieferung von Verbrechern zu schliessen, und haben zu diesem Behufe Bevollmächtigten ernannt:

Seine Excellenz der constitutionelle Präsident der Republik Oriental von Uruguay, Herrn Dr. Juan Manuel de Rosas, seinen Bevollmächtigten, welche einen Vertrag wegen Auslieferung von Verbrechern zu schliessen, und haben zu diesem Behufe Bevollmächtigten ernannt:

Oriental von Uruguay, Herrn Dr. Julius Herrera y Obes, seinen Staatssecretär, Minister des Innern und interimistischen Minister des Aeussern;

Welche, nachdem sie sich ihre Vollmachten mitgetheilt und dieselben in guter und gehöriger Form befunden, die nachfolgenden Artikel vereinbart haben:—

ART. I. Die hohen vertragschliessenden Theile verpflichten sich in Gemässheit der Bestimmungen dieses Vertrages sich gegenseitig eine Individuen auszuliefern, welche von den Gerichten eines der vertragschliessenden Theile wegen einer der im Artikel III bezeichneten strafbaren Handlungen beschuldigt, verfolgt werden oder verurtheilt sind, wenn die strafbare Handlung ausserhalb des Gebietes jenes Staates begangen wurde, der um die Auslieferung ersucht wird.

Wenn die strafbare Handlung, wegen welcher die Auslieferung begehrt wird, ausserhalb des Gebietes des die Auslieferung begehrenden Staates begangen worden ist, so kann die Auslieferung zugestanden werden, wenn die Gesetzgebungen des die Auslieferung begehrenden und des um die Auslieferung angegangenen Staates die Verfolgung von strafbaren Handlungen solcher Art auch dann zulassen, wenn sie im Auslande begangen wurden.

II. Ein österreichischer oder ungarischer Staatsangehöriger wird von Österreich oder Ungarn nie an die Regierung von Uruguay und ein Angehöriger der Republik Oriental von Uruguay von dieser nie an Österreich oder Ungarn ausgeliefert werden.

Wenn die strafbare Handlung, wegen welcher die Auslieferung begehrt wird, ausserhalb des Gebietes der vertragschliessenden Theile begangen worden ist, und die Auslieferung auch von dem State, in dessen Gebiete die strafbare Handlung begangen wurde, begehrt wird, so kann die Auslieferung und Übergabe an die Regierung dieses letzteren Staates erfolgen.

III. Die Auslieferung wird wegen der folgenden strafbaren Handlungen zugestanden:

1. Mord und jede andere mit Vorsatz begangene Tödtung;
2. Vorsätzliche Verletzungen und Beschädigungen von Personen, welche den nicht beabsichtigten Tod herbeiführten oder eine wahrscheinlich unheilbare Krankheit oder eine immerwährende Arbeitsunfähigkeit, die Zerstörung oder gänzliche Unbrauchmachung eines Gliedes oder Organes oder eine schwere Verstümmelung;
3. Nothzucht oder andere gewalthätige Angriffe auf die Schamhaftigkeit;
4. Polygamie, zweifache Ehe;
5. Verheimlichung, Beseitigung, Verwechslung oder Unterschlebung eines Kindes;

6. **Vorsätzliche Brandlegung**, vorsätzliche Schädigung Eisenbahn, welche den Tod oder die Beschädigung eines steten oder eines Reisenden herbeigeführt hat;

7. **Fälschung (Nachmachung, Verfälschung)** von Assignationen und Schuldverschreibungen des Staates, von billets oder anderen Wertheffekten des öffentlichen Credits, gleich dem Gelde gangbar sind, die Ausgabe, Inverkehrsetzung der Gebrauch in Kenntniss der Fälschung dieser Gegenstände, Fälschung von öffentlichen Urkunden, Poststempeln, Punzen und Marken des Staates; der Gebrauch dieser Gegenstände in Kenntniss ihrer Fälschung;

8. **Raub (Sachentziehung unter Gewaltanwendung gegen Person)**;

9. **Diebstahl (Sachentziehung ohne Gewaltanwendung gegen eine Person)**, Betrug, Untreue und Unterschlagung, Fälschung öffentlichen und Privaturkunden, von Wechseln und Handelspapieren, Gebrauch solcher Urkunden in Kenntniss der Fälschung, wenn in diesen Fällen der zugefügte Schaden betrag von 1000 fl. ö. W., falls Österreich oder Ungarn die Auslieferung begehrt, und den Betrag von 500 Nationalthalern (nacionales) der Republik Oriental von Uruguay, falls die Auslieferung begehrt, übersteigt;

10. **Meineid in Strafsachen zum Nachtheile des Beschuldigten**;

11. **Vorsätzliche und schuld bare Handlungen**, welche den Untergang, die Strandung, die Zerstörung, die Beschädigung von Schiffen und Fahrzeugen herbeiführen (Baraterie);

12. **Meuterei und Widersetzlichkeit der Schiffsmannschaft gegen den Bord des Schiffes gegen den Capitän oder gegen Vorgesetzten**;

13. **Betrügerischer Bankerott.**

In allen diesen Fällen wird die Auslieferung auch ohne Versuch, Mitschuld und Theilnahme erfolgen, wenn die Handlungen nach den Gesetzgebungen des die Auslieferung begehrenden und des um die Auslieferung ersuchten Staates strafbar sind.

IV. Die Auslieferung wird auf diplomatischem Wege bewirkt werden.

In Ermangelung einer diplomatischen Vertretung wird die Auslieferungsbegehren von dem Auswärtigen Amte des begehrenden Staates unmittelbar an das Auswärtige Amt des anderen Staates gerichtet werden.

Die Auslieferung wird nur zugestanden werden, wenn ein Urtheil, ein Anklageact, ein Haftbefehl oder ein dem Urtheile gleichwertiger Act im Originale oder beglaubigte Abschrift beigebracht wird.

Diese Acte, welche in der Form ausgefertigt sein werden durch die Gesetzgebung des die Auslieferung begehrenden

vorgeschrieben ist, werden die Bezeichnung der strafbaren Handlung, um welche es sich handelt, sowie der Strafe mit welcher dieselbe bedroht ist, enthalten und werden nach Möglichkeit von einer Personsbeschreibung des auszuliefernden Individuums oder anderen, seine Identität bezeugenden Belegen begleitet sein.

V. In dringenden Fällen kann jeder der vertragschliessenden Staaten unter Bekanntgabe des Vorhandenseins eines Haftbefehles auf dem unmittelbarsten Wege die provisorische Verhaftung des Verfolgten oder Verurtheilten verlangen und erhalten, jedoch unter der Bedingung, dass der Act, auf den sich das Auslieferungsbegehren stützt, innerhalb zweier Monate vom Tage der geschehenen Verhaftung beigebracht wird.

VI. Wenn der Verfolgte oder Verurtheilte von der Regierung des Staates, welcher die Auslieferung begehrt hat, innerhalb dreier Monate von dem Tage, als derselbe ihr zur Verfügung gestellt wurde, nicht übernommen worden ist, so wird der Verhaftete in Freiheit gesetzt und kann aus demselben Grunde nicht mehr in Haft genommen werden. In diesem Falle trägt der die Auslieferung begehrende Staat die Kosten.

VII. Wenn die Auslieferung eines Individuums, dessen Auslieferung auf Grund dieses Übereinkommens von einem der vertragschliessenden Theile begehrt worden ist, auch von einem oder mehreren anderen Staaten wegen anderer strafbaren Handlungen begehrt worden ist, so wird er jenem Staate ausgeliefert, in dessen Gebiet er die schwerste strafbare Handlung begangen hat, und wenn die Strafen gleich schwer sind, der Regierung jenes Staates, dessen Ansuchen ein früheres Datum trägt.

VIII. In keinem Falle wird die Auslieferung wegen politischem Verbrechen oder Vergehen, oder wegen Handlungen oder Unterlassungen, welche mit solchen Verbrechen und Vergehen in Zusammenhang stehen, stattfinden.

Als politisches Delict oder als eine mit einem solchen Delicto zusammenhängende Handlung wird ein gegen die Person eines Staatsoberhauptes oder gegen die Mitglieder der Familie eines Staatsoberhauptes verübtes Attentat nicht angesehen, wenn es den Thatbestand des Mordes, des Mordmordes oder der Vergiftung begründet.

IX. Der Ausgelieferte kann in keinem Falle in dem Staate, an welchen er ausgeliefert wurde, wegen eines politischen Verbrechens oder Vergehens, das der Auslieferung vorausging, verfolgt oder gestraft werden, desgleichen nicht wegen einer Handlung oder Unterlassung, die mit einem solchen Delict in Zusammenhang steht, auch nicht wegen einer in diesem Übereinkommen nicht aufgenommenen strafbaren Handlung.

X. Die Auslieferung wird nicht zugestanden, wenn die Verjähr-

Ersuchschreiben auf dem im Artikel IV vorgezeichneten Wege erstellt werden, dem in Gemässheit der Gesetze des Staates, dessen Rechtshilfe beansprucht wird, Folge gegeben werden wird.

Die vertragschliessenden Theile versichten auf den Ersatz der Kosten, welche durch solche Ersuchschreiben veranlasst werden, mit Ausnahme für die Gutachten der Sachverständigen in Handelsachen und in Sachen der gerichtlichen Medecin.

XVI. Die vertragschliessenden Theile erklären, dass die drei Texte des Übereinkommens, nämlich der deutsche, der ungarische und der spanische Text, als gleichmässig authentisch betrachtet werden müssen, und dass, falls sich eine Verschiedenheit zwischen diesen drei Texten vorfinden oder ein Zweifel über die Auslegung irgend einer Stelle vorkommen sollte, der nicht durch Vergleichung eines Textes mit den beiden übrigen behoben werden kann, die für die Auslieferung des Beschuldigten günstigere Auslegung Geltung haben soll.

XVII. Das gegenwärtige Übereinkommen tritt mit dem Tage seiner Kundmachung, welche nach den in den vertragschliessenden Staaten geltenden Gesetzen stattfinden wird, in Wirksamkeit.

Die Kundmachung wird spätestens sechs Monate nach dem Austausch der Ratificationen erfolgen.

Jeder der vertragschliessenden Theile hat das Recht, dieses Übereinkommen zu kündigen, es bleibt jedoch in Geltung bis zum Ablaufe eines Jahres vom Tage der Kündigung.

Dieses Übereinkommen wird ratificiert, die Ratificationen werden sobald als möglich in Montevideo ausgetauscht werden.

Urkund dessen haben die beiderseitigen Bevollmächtigten das gegenwärtige Übereinkommen unterzeichnet und demselben ihr Siegel beigeschrieben.

So geschehen in Montevideo, am 25 Juni, 1887.

(L.S.) MANUEL FREIH. V. SALZBERG.

(L.S.) JULIO HERRERA Y OBES.

*ORDINANCE of the Government of St. Lucia, to amend the Law relating to Immigration.**

[No. 4.]

[March 20, 1891.]

Be it enacted by the Governor with the advice and consent of the Legislative Council of St. Lucia, as follows :—

Preliminary.

1. This Ordinance may be cited as "The Immigration Ordinance, 1891."

* Amended by Ordinance No. 8 of 1896, page 699.

[1896-97. LXXXIX.]

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2. "The Immigration Ordinance, 1880," is hereby repealed.

3. In this Ordinance, unless the context otherwise requires, "Protector of Immigrants" includes any Assistant Protector of Immigrants;

"Magistrate" includes any Justice of the Peace having authority to act in the matter;

"The Magistrate of the district" and "the Magistrate" mean the Stipendiary Magistrate appointed to act for the district;

"Police constable" includes a rural constable;

"Ship" includes a sea-going vessel of any description;

"Estate" includes any sugar or cacao estate in cultivation or any two or more such estates if adjacent to each other and managed as one estate, or any other piece of land in cultivation under the management of the extent of at least 5 acres, and also any cattle or sheep farm, or any wood-cutting establishment, or any sugar factory;

"Employer" includes the proprietor or lessee of any estate, or the attorney of such proprietor, and the manager for the time being of such estate;

"Manager" includes the person for the time being having the personal charge or superintendence of an estate, and any overseer acting under his authority;

"Immigrant" includes any person introduced into the Colony either wholly or in part at the expense of the Immigration Fund, and the children of such immigrant;

"Indenture" and "indentured" indicate a contract of service registered under this Ordinance, and a person subject to such contract respectively;

"Adult" means an immigrant of or above the age of fifteen years;

"Minor" means an immigrant under the age of fifteen years and of or above the age of ten years;

"Infant" means an immigrant under the age of ten years;

"Adult," "minor," and "infant" respectively include an immigrant of uncertain age, who has been estimated by the Protector of Immigrants to be an adult, minor or infant, as the case may be;

"Excessive death-rate" is when the annual death-rate of an estate for two years exceeds 6 per cent., or when the mean annual death-rate of such estate for two years exceeds by 1 per cent. the mean death rate of the indentured immigrants of the district in which the estate is situated, or when the number and causes of death at any time prove the estate to be unhealthy or unsuitable for the residence of Indian immigrants;

"Habitual idler" means an immigrant in good health, who

self from work twenty days in any one month or in two accession.

The several Forms contained in the Schedule to this shall be used for and in respect of the several matters in accordance upon which reference is made to them in the margin of the respective numbers of such Forms.

Protector of Immigrants may, with the approval of the Council, from time to time cause such Forms to be altered, and also any additional Forms to be framed, as they may require, for the purpose of carrying out the provisions of this Ordinance, and such varied, altered, or additional Forms shall have the same force and effect as if they were contained in the original of this Ordinance: Provided that every such Form shall be published in the "Gazette," and that copies thereof shall be furnished to the Protector of Immigrants to all persons who may be required to fill up and use any such Form under penalties to fill up and use any such Form which such Form may have been substituted.

Governor in Council may at any time pass such Regulations as may be deemed necessary for the efficient carrying out of the provisions of this Ordinance, and may in such Regulations impose a penalty not exceeding 50*l.* in respect of the breach of any such Regulations.

Officers to be appointed under this Ordinance shall hold office at the pleasure; but nothing herein contained shall invalidate the appointments of any such officers now employed, or shall be deemed to require them to be reappointed.

ART I.—*Immigration and Emigration Departments.*

The Governor may from time to time appoint some fit person to be Protector of Immigrants.

The Protector of Immigrants shall receive such salary and allowance for travelling expenses, as may be assigned to him by the Governor with the consent of the Legislative Council.

The Protector of Immigrants shall give such security, in such amount and in such manner as may be determined by the Governor in Council, for the faithful performance of his duties, and shall be required to give due accounting for and paying over of all sums of money received by him.

The Protector of Immigrants shall keep a register, in which shall be entered the names of all immigrants who have been and who shall be introduced into this Colony at the public expense, and shall register each of such immigrants by a particular number, beginning with number 1, and proceeding by regular numerical order, and shall distinguish therein, under different heads, the

number, name, age, and sex, of every such immigrant, and the when, and the place from which, and the vessel in which such immigrant shall have arrived, the original and subsequent assignments of such immigrant, and also the amount of money, if any, which may have been advanced to such immigrant previous to his embarkation, and which is to be repaid by such immigrant out of his wages in the Colony.

(2.) The Protector of Immigrants shall likewise record in other registers the births and deaths occurring amongst all such immigrants and such particulars in respect of such births and deaths as may be necessary.

(3.) It shall be the duty of the Protector of Immigrants, subject to the control of the Governor, once in every three months, upon a day of which he shall have given previous notice to the manager, to visit every estate upon which there may be any immigrants under indenture, to receive and take cognizance of the complaints of such immigrants, and thereupon to give advice, to conduct investigation and to institute prosecutions, as the circumstances may require; to assist the Magistrate if required, in the estimation of wages; and to exercise and perform such other functions and duties relating to immigration matters as are prescribed in this Ordinance or may be intrusted to him by the Governor.

9.—(1.) The Protector of Immigrants may at any time enter into and upon any estate on which immigrants may be employed, and inspect the state, condition, and general treatment of the immigrants thereon, and the state and condition of their dwelling-houses and yards, and may order any sick immigrant to the hospital, and may inquire into any complaint which the employer may have to make against any immigrant, or which any immigrant may have to make against the employer, or which may be reported to him by the medical officer, or otherwise brought to his notice, and may, either before or after such inquiry, lay an information or make a complaint in his own name, on behalf of any such immigrant, against the employer or against any other person, before the Magistrate of the District, or make such complaint in any other Court of Justice of the Colony, other than that of the Magistrate of the District, having jurisdiction to hear, try, and determine the offence or other matter charged against such employer or other person.

(2.) The Protector of Immigrants shall watch the proceedings on any such information or complaint on behalf of such immigrant, or shall defend in any action or complaint or appeal brought against any immigrant, or may, if necessary, carry the same for review by way of appeal before any Superior Court having jurisdiction in the case, and may in such Superior Court retain the service of counsel, and may in all respects act on behalf of such immigrant as if he were

Principal in the cause; and he shall report the course proceedings from time to time, and the final result thereof, to the Governor.

It shall be the duty of the Protector of Immigrants to visit all hospitals in which indentured immigrants are

) The Governor may from time to time appoint Assistant Protector of Immigrants, clerks, interpreters, or other officers within the Colony, as may be necessary for the performance of the ordinary duties of the Immigration Department.

Any such officer shall receive such salary as may be determined by him by the Governor with the consent of the Legislative

) The Protector of Immigrants shall, subject to the approval of the Governor, have authority over the several Assistant Protectors of Immigrants, clerks, interpreters, and other persons employed in his office, and shall assign to each his duties, and may confer on an Assistant Protector of Immigrants the exercise or performance of any of his functions or duties, but without diminishing his own responsibility, and may, when conducting any business on an estate, require the presence and assistance of the Medical Officer, and may also employ such persons as he may deem necessary as interpreters or judges of work, and may pay to any such person for his services a sum not exceeding £1. for each day in which he is so employed.

The expenses so incurred by the Protector of Immigrants, and his subordinates under his directions, shall be paid as herein provided.

Every person who annoys, molests, hinders, or opposes the Protector of Immigrants, or any medical officer appointed under this Act, in the due execution of his duty or in the exercise of the powers or authorities conferred upon him by this Act, shall, on being convicted thereof, be liable to imprisonment with or without hard labour, for any term not exceeding six months, or to a penalty of 20£.

) Her Majesty may from time to time appoint some proper person to be Emigration Agent for this Colony, to superintend the emigration of labourers from any of the ports from which immigrants may be introduced into this Colony.

The Governor shall from time to time pay to such Emigration Agent such salary or other remuneration as may be granted to him by Her Majesty: Provided, however, that the amount of such remuneration shall be subject to the approval of the Legislative Council.

14.—(1.) Every Emigration Agent shall transmit his accounts to the Protector of Immigrants in this Colony, with proper vouchers at such times as the Governor may direct.

(2.) The amount of all necessary expenses incurred by such Emigration Agent in the collection, maintenance, medical attendance, and inspection of emigrants, and for their conveyance to the Colony, and of all just and reasonable expenses incurred by him in or incidental to the sending back to their homes of any emigrants who may be rejected at the port of embarkation, or in or incidental to the sending back to the port from which they sailed of any immigrants entitled to free return passages under this Ordinance, which shall be attested by proper vouchers, shall be paid as hereinafter provided.

PART II.—*Medical Department.*

15.—(1.) The Colonial Surgeon shall *ex officio* be Chief Officer of the Medical Department for Immigration purposes.

(2.) The Colonial Surgeon shall, as Chief Officer of the Medical Department for Immigration purposes, receive such salary as may be assigned to him by the Governor with the consent of the Legislative Council.

16. The Colonial Surgeon shall, as Chief Officer of the Medical Department for Immigration purposes, supervise the District Medical Officers hereinafter mentioned in the performance of their duties under this Ordinance; he shall, once at least in every half-year, visit all hospitals in which indentured immigrants are received, and shall make a report to the Governor on the condition and management of such hospitals; and he shall at any time when specially so required by the Governor, or the Protector of Immigrants, visit any estate for the purpose of investigating, and shall, after such visit, report specially upon any matter affecting the sanitary condition of the immigrants on such estate.

17.—(1.) The Governor may from time to time appoint such duly qualified medical practitioners as may be necessary, to be Medical Officers of Districts for Immigration purposes, and may assign to each of such officers a district, and each such officer shall receive such salary as may be assigned to him by the Governor with the consent of the Legislative Council.

(2.) Every District Medical Officer shall be liable to be removed from one district to another, as the Governor may from time to time deem expedient.

(3.) Every medical practitioner so appointed shall act as medical officer to the estates on which there are indentured immigrants, and as medical attendant to the indentured immigrants

admitted to the hospital or hospitals within the district assigned to him, and shall furnish medicines when required to the sick immigrants on estates.

(4.) It shall be the duty of every District Medical Officer to keep in each hospital a register book, and also a case book and an official visitors' book; and such register book and case book shall at all times be duly entered up, and shall be open to the inspection of the Protector of Immigrants.

(5.) Every District Medical Officer shall, within fourteen days after the termination of every half-year, transmit to the Colonial Surgeon, to be by him forwarded to the Protector of Immigrants, a report on the condition of the dwellings of immigrants on the estates in his district, and of the yards and grounds about the same, together with a tabular statement of all cases treated in the hospital by him during the same period, and the result of such treatment.

PART III.—*Fiscal Provisions.*

18. All moneys payable under this Ordinance by way of indenture fees or otherwise, except as regards the expenses of immigrants in hospital, shall be carried by the Treasurer to a separate account, to be called the "Immigration Fund."

19.—(1.) The salaries of Emigration Agents and other persons employed without the limits of this Colony, and any other expenses incurred without such limits, the expenditure incurred in the hiring, employing, and licensing of any vessel for bringing any immigrants into this Colony, in providing for the maintenance and clothing of any such immigrants during their passage or otherwise, in employing on board any such vessel a surgeon, and such other just expenditure as may be caused by and be necessarily incidental to such immigration, and for sending back any immigrants to the place from which they may have been brought or sent into the Colony, and for bounty in lieu of return passage, shall be paid out of the Immigration Fund.

(2.) The salary of the Protector of Immigrants, Assistant Protector of Immigrants, and other persons employed in connection with immigration within this Colony, the salaries of the Colonial Surgeon, as Chief Officer of the Medical Department for Immigration purposes, and of the District Medical Officers for Immigration purposes, and all expenses incurred by the Protector of Immigrants or under his authority in discharging the duties of his office, shall be a charge on the general revenue.

20. A sum at the rate of 8*d.* per diem for each indentured immigrant admitted into the general hospital, or any district

hospital, or poor or other asylum, shall be paid by the employer to the Treasurer, upon presentation to such employer of a claim for the same, made up to the 31st day of December of each year, and certified by the Colonial Surgeon; and all such sums, when paid, shall be carried by the Treasurer to the credit of general revenue. Provided that no employer shall be called upon to pay in any one year more than 3*l.* for any one indentured immigrant admitted into the general or a district hospital or poor or other asylum, whose illness is not caused by an accident for which an employer would be ordinarily liable.

21.—(1.) The Treasurer shall, on behalf of the Colony, sue for and recover by summary or other process all debts, which may at any time be due and payable to the Immigration Fund, or for the expenses of immigrants in the general hospital or a district hospital or poor or other asylum; and

(2.) Shall in respect of all sums of money due to the Immigration Fund or for hospital or asylum expenses, on account of any immigrants indentured on an estate, have and hold for the same a privileged or preferent lien on such estate over and above all liens, claims, charges, and mortgages, except liens and preferent rights of the Crown and such as have been allowed or created by any Statute: Provided that no such privileged or preferent lien shall exist as against third parties, unless such sums of money are sued for within twelve months from the time the same became due and payable respectively: Provided also that in the case of an estate under lease, when the consent of the lessor has not been given to the lessee's application for the immigrants in respect of whom such preferent lien is claimed, the estate shall not be subject thereto, except to the extent of the interest of the lessee.

PART IV.—*Applications for Immigrants.*

22. Every employer desirous of obtaining an allotment of immigrants shall, on or before the 1st day of March, or such other day in each year as may be from time to time fixed by the Governor, send in to the Protector of Immigrants an application in writing, specifying the number of immigrants of each nationality required, the name and situation of the estate to which he wishes such immigrants to be assigned, and the name of the proprietor or lessee of such estate; and stating whether or not such property is subject to any mortgage; and the Protector of Immigrants shall register every such application in the register of applications for immigrants.

23.—(1.) Every application made by, or on the part of, any lessee of an estate shall be accompanied by the consent, in writing, of the proprietor, or, in default of such consent, the lessee shall

how, to the satisfaction of the Protector of Immigrants, that he is prepared to pay in cash on allotment the full amount of indenture fees payable in respect of all immigrants so applied for.

(2.) If any such application is made by or on the part of, the proprietor of an estate under mortgage, and the mortgagee or his representative objects in writing to such application being complied with, it shall be the duty of the Protector of Immigrants to refuse such application, unless such proprietor satisfies him that he is prepared to pay in cash on allotment the full amount of indenture fees payable as aforesaid.

24. No application shall be rendered invalid, or be in any way affected, by reason of the death, insolvency, or absence of the employer by whom such application was made, or by reason of the sale of the estate in respect of which such application has been made; and no application duly made and registered may be withdrawn without the permission of the Protector of Immigrants.

25. The Head of any Department of the public service may, with the sanction of the Governor, apply for the allotment of such immigrants as may be required for the service of the Colony in his Department, and shall be considered, for the purposes of this Ordinance, as the employer of such immigrants as may be allotted in consequence of such application.

26. Nothing in this Ordinance shall be held to interfere with the power of the Protector of Immigrants, subject to the control of the Governor, to refuse any application for immigrants, in case he sees reasonable grounds for such refusal; but every such refusal and the grounds thereof shall be communicated to the employer upon the receipt of his application or as soon thereafter as possible, and also to the Governor.

27. No application shall be entertained by the Protector of Immigrants for an allotment of immigrants to any estate on which the death rate has been excessive, or the estate deemed unsuitable for the residence of immigrants.

28. When the applications for immigrants for the following season have been completed, a list of such applications shall be submitted by the Protector of Immigrants to the Governor, and the question how far and in what proportions they can be complied with shall thereupon be considered and determined by the Governor in Council.

PART V.—*Proceedings on the Allotment of Immigrants.*

29. On the arrival in this Colony of any ship having immigrants on board, the Protector of Immigrants, assisted by the Colonial

Surgeon, shall inspect the ship and the immigrant report to the Governor the condition of such ship and and shall transmit with such report the Surgeon Super return of births and deaths, and a certificate of pe the owners of the covenants and conditions of the and also a certificate of the amount due for freight to and shall likewise require and transmit the report of Surgeon.

30. The Protector of Immigrants shall, with the the Colonial Surgeon and the Surgeon Superintendent examine the sick, if any, among the immigrants on board cause such of them as may require it to be sent to hospital, and shall transmit with them a list, signed by Surgeon and the Surgeon Superintendent, stating the age, disease, and length of time under treatment of every so sent, and the number by which he was designated on and if there be any immigrants suffering from leprosy, epilepsy, or any serious mental or physical disability they will be rendered permanently unable to perform indenture, the Protector of Immigrants shall reserve sent back to India or to be otherwise disposed of under of the Governor.

31. Every immigrant arriving in the Colony—

(1.) Shall be allotted on board the ship in which and

(2.) Every immigrant not immediately allotted shall be provided with food and lodging until he is provided with means of earning his subsistence; and the amount of any expense incurred shall be a charge upon the Immigration Fund.

32. No immigrant shall be allotted to any estate unless the Protector of Immigrants and the Colonial Surgeon or Assistant Surgeon shall have certified that there exists on the estate sufficient and suitable accommodation for such immigrant, and that the dwellings are ready for the reception of the immigrant and the yards and neighbourhood in a satisfactory condition.

33.—(1.) Allotments shall be made of immigrants to employers who have made application, in such order as may from time to time direct, and, subject to any such regulations, in such manner as the Protector of Immigrants may determine.

(2.) In making allotments, husbands shall not be separated from their wives, nor minors and infants from their parents or guardians, and, so far as may be possible, members of the same family and neighbours from the same village, and persons who agree in representing themselves as friends and associates shall not be separated from each other.

any allotment the Protector of Immigrants shall, with the sanction of the Colonial Surgeon, or, in his absence or inability of some other medical officer to be deputed for that purpose by the Governor, distinguish every immigrant who in his opinion is not able-bodied and not capable of performing the duties of an agricultural labourer; and the indenture fee payable in respect of any such immigrant shall be such part of that which would have been payable in respect of such immigrant if he had been an able-bodied immigrant as the Protector of Immigrants may, with the approval of the Governor, think proper; or such immigrant may be indentured without payment of any indenture fee.

Every employer, to whom any immigrant is allotted, shall pay to the Treasurer, in respect of each immigrant allotted to him, the indenture fee hereafter mentioned, at the times and in the manner following, that is to say, one-fifth part thereof before the allotment, and one-fifth part thereof at the commencement of the first, second, third, fourth, and fifth years respectively of the term for which the immigrant shall be indentured, with interest at the rate of five per cent. per annum from the date of allotment, such sum to be payable with each instalment: Provided that the Governor may in any case specially require the whole of any indenture fee to be paid at the time of allotment.

1.) The indenture fee payable in respect of each adult immigrant shall be the sum of 16*l.* or such other sum not exceeding 16*l.* as may be from time to time fixed by the Governor in Council.

The indenture fee payable in respect of each minor immigrant shall be one-half that which would have been payable in respect of such immigrant if he had been an adult.

When any immigrant is allotted to any Department of the Public Service, such Department shall pay to the Immigration Fund the sum in respect of such allotment as would be payable by the employer.

The immigrants allotted to each employer shall be delivered to the employer immediately on, but not until, the production of the Treasurer's receipt for the payment of the first instalment of the indenture fees in respect of such immigrants: Provided that the employer to whom an allotment is made does not produce such receipt, and take away the immigrants so allotted to him, he shall deliver them to the Treasurer, to be carried to the immigration fund, at the rate of 1*s.* for every adult immigrant and 6*d.* for every minor immigrant, for every day that such immigrant remains in the hands of the employer.

38.—(1.) On the completion of every allotment position of immigrants on introduction, the Protector of Immigrants shall register every immigrant included in such allotment in the General Register of immigrants in the Colony, distinguishing, to the best of his ability, adults, minors, and infants respectively, and shall number each of such immigrants by a particular number, commencing from the last number borne on such register, and proceeding in numerical progression; and shall deliver to the employer or representative, an indenture list signed by all the adults and minors of the immigrants allotted to him: and shall transmit to the Protector of Immigrants, on the return showing the number of immigrants included in such allotment, and the sums payable by way of indenture fees in respect of such immigrants, and shall deliver to the employer or minor immigrant included in such allotment a copy of the indenture.

(2.) Every employer and immigrant shall thereupon be taken to be bound by such indenture accordingly; and every indenture list, and every extract from such register, and every copy thereof, shall be receivable in evidence in any court of law in respect of any indenture or allotment therein specified without further proof.

39. The Protector of Immigrants shall, as soon as possible after the 1st day of April in every year, publish in the "Gazette" of all ships, if any, which have arrived with immigrants, the names of such immigrants, and the allotment and distribution of such immigrants, during the voyage.

PART VI.—*Indentures of Immigrants on Introduction*

40. If any immigrant is introduced into the Colony under a previous contract entered into with any Emigration Agent or officer of the Emigration Office of this Colony, in the absence of which he may have emigrated, or with any employer or employer, such contract shall be valid and enforceable in respect as against the Colony or the employer, as the case may be, and, in so far as the rights of such immigrant shall be affected by such contract, from those rights which he would have enjoyed under the law of the Colony if he had not entered into such contract, he shall be taken to the benefit of such contract: Provided that no wages agreed upon between an immigrant and any employer was registered before any Magistrate in India previous to the 1st day of January, 1890, shall be taken to be a contract for the payment of such wages on the part either of the Colony or of the employer making such statement.

41. No previous contract, except by permission of the Government previously had and obtained, entered into

from any part of India, or from any part of the African
or from any island adjacent to the coast of the African
and inhabited by the negro race, shall be valid as against
grant.

every previous contract entered into with any immigrant
other British possession in the West Indies, or from any
the North American Continent, shall be valid as against
igrant: Provided that such contract shall have been
him, if within Her Majesty's dominions, in the presence
ce of the Peace residing in the place or district wherein
ract was entered into, and, if within the dominion of a
ower, in the presence of a Consul or other Consular
ointed by Her Majesty and acting in such dominions:
also, that such Justice or Consular officer, as the case
shall certify that the signature of the immigrant so con-
was voluntarily made, and that the contents of such
had been fully explained to him, and had, to the best of
ificant's belief, been fully understood by such immigrant;
signature purporting to be that of such Justice or Consular
the case may be, shall be admitted in evidence of such
without further proof.

1.) The indenture of immigrants arriving in the Colony
part of Her Majesty's dominions in the East Indies, or
erated Africans, shall be for the term of five years from the
neir respective allotments.

n the absence of any previous contract made out of the
a that behalf, the indenture of male immigrants arriving
olony from any part of China shall be for the term of five
nd the indenture of immigrants arriving in the Colony
part of the North American Continent from which immi-
may be permitted by Her Majesty's Government, or from
de Verde Islands, or from any British possession in the
dies (Barbados excepted), shall be for the term of three
nd the indenture of immigrants arriving in the Colony from
d of Madeira, or from any island in the Azores or the
lands, shall be for the term of two years, from the date of
nents respectively.

(1.) On the indenture of any immigrant, who is introduced
y such previous contract, a copy of such contract shall be
d in the office of the Protector of Immigrants, and other
such contracts shall be appended to the certificate of
e given to such immigrant and to the indenture list given
employer; and the indenture shall be subject to such
in so far as such contract is enforceable under this Ordi-

(2.) No minor nor infant immigrant shall be bound by any previous contract, whether the same is alleged to have been made into by himself or on his behalf.

45. No infant immigrant shall be indentured, or shall be compelled to perform any service whatever, upon any estate, and that every infant, on reaching the age of 10 years, and every minor on reaching the age of 15 years, shall be entitled to be treated as a minor or adult respectively, for any time not exceeding the unexpired time of its parent.

46. Every minor or infant of an indentured immigrant on an estate, and every immigrant indentured as other than an able-bodied immigrant, shall be entitled to the same rights, privileges, and immunities, as able-bodied immigrants under this Ordinance are entitled to under this Ordinance.

PART VII.—*Transfer and Determination of Indenture*

47.—(1.) Upon information laid before any Magistrate, or manager of any estate, or by any female Indian immigrant, or any other person on her behalf, that the husband of such immigrant, or her betrothed or reputed husband according to the custom of their country, or any Indian immigrant with whom she cohabits, has unlawfully threatened to murder, wound, or treat her, and that from any such threats she apprehends some reason to apprehend, any bodily harm or injury, the Magistrate shall forthwith issue his warrant for the apprehension of such immigrant alleged to have used such threats; and any immigrant using such threats may be arrested and detained by any constable until a warrant can be obtained; and such immigrant shall, on conviction thereof, be liable to imprisonment for any term not exceeding one month.

(2.) In any such case, whether the immigrant accused is convicted or otherwise, if it appears that any threats used by the immigrant were occasioned by jealousy of any other person employed on the estate, in regard to such female immigrant, it shall be lawful for the Magistrate, in his discretion, to make provision for the removal from the estate of any such person being an indentured immigrant, or of any such female immigrant threatening any immigrant using such threats who is indentured to any estate, whatever may, in his judgment, be most expedient.

(3.) The Magistrate may direct any immigrant so convicted to be removed to be detained in custody until his or her husband is removed to some other estate; and he shall forward a copy of any proceedings to the Protector of Immigrants, and the Protector of Immigrants may, with the sanction of the Governor, take

to any other employer who may be willing to accept his services.

At any time it appears to the Governor expedient, on ground shown to his satisfaction, that all or any of the indentured to any estate should be removed therefrom, it shall be lawful for him to transfer the indentures of such immigrants, at the expiration of their respective terms of service, to any employer who may be willing to accept their services.

Every lessee of an estate, whose term of lease expires before the expiration of the indenture of any immigrant indentured to such estate, shall be entitled to have such immigrant transferred to the unexpired remainder of his term of service to any employer approved of by the Protector of Immigrants, who may be willing to accept his services.

In every case of a transfer under either of the last three sections, the liability of the previous employer for all unpaid instalments of indenture fees for the transferred immigrant shall be transferred to the new employer, and the latter shall repay to the previous employer a part of the instalment paid at the commencement of the current year proportioned to the unexpired term of such year then unexpired.

In the event of any estate on which an immigrant may be indentured being sold, either by private contract or at judicial sale, or being leased, or devolving by inheritance, devise, or otherwise, the immigrant shall render the same service to the purchaser, or his lessee, heir, or other new employer, his heirs, executors, or administrators, for the same term, as he would have been bound to do to his original employer.

The Protector of Immigrants may, at the request of any employer, if sufficient ground is shown to his satisfaction, and with the approval of the Governor, allow all or any of the immigrants indentured to such employer on any estate to be removed to any other estate in the possession or under the management of the same employer, or may allow such immigrants to be temporarily transferred to any other estate for any term not exceeding six months, to any estate the owner of which may desire or be willing to accept their services, and during such term such immigrants shall be deemed to be indentured to such employer for all purposes of this Ordinance: Provided that such removal or transfer shall in no way affect any lien of the original employer in respect of such immigrants upon the original estate, or any pecuniary liability of such immigrants to the original employer to the general revenue or the Immigration Department in the case may be. Any employer making such removal or transfer without the consent of the Protector of Immigrants shall be liable to a penalty of 10*l*.

53. Upon report made by any Magistrate of a contravention under this Ordinance of any employer, or any person acting under his authority, for ill-usage of any indentured immigrant, or for unlawful withholding of wages from any immigrant, the Magistrate of Immigrants shall have power, subject to the approval of the Governor, to declare the indenture of such immigrant null and void, and may thereupon re-indenture such immigrant for the remainder of the term of service to any other employer who may be willing to accept his services.

54. When any indenture is determined by the Magistrate of Immigrants under this Ordinance, the Protector of Immigrants shall give a certificate thereof to the employer and to the immigrant; and such certificate, signed by the Protector of Immigrants, shall be received in all Courts of Justice as conclusive evidence that the indenture therein mentioned was duly determined and is void therein specified.

55. Except as in this Ordinance provided, no indenture shall be determined or transferred either by agreement between the employer and immigrant or otherwise, and the Protector of Immigrants shall record every determination or transfer, whether permanent or temporary transfer, in the General Register of immigrants. When an indentured immigrant is introduced into the Colony, and shall deliver to the employer a new indenture list, and when any immigrant is transferred a new indenture list, and when an immigrant transferred a new certificate of indenture, in the event of any immigrant refusing to set his mark to the new indenture list, the Protector of Immigrants shall sign for him. The employer and immigrant shall thereupon be and be deemed to be bound by such indenture accordingly.

56.—(1.) The indenture of an immigrant shall not terminate by the effluxion of time, unless the immigrant has fulfilled the conditions imposed on him by such indenture.

(2.) Every indenture of an immigrant, although it may be for a fixed period of time, is hereby declared to be for a term of actual service equal in duration to the period of time for which the immigrant has become bound to serve under the indenture. Every such indenture shall continue in force until the immigrant has performed service thereunder for such term.

57. Every immigrant who is under an indenture when this Ordinance comes into force, or who is then liable to be bound to an indenture prolonged or renewed, shall be bound to perform service under such indenture for a term equal in duration to the term of time for which the indenture then remains unexpired, or for which the indenture has been or is lawfully prolonged or renewed, and the indenture of every such immigrant shall determine when such immigrant has performed such service.

reckoning the term of service of any immigrant under for the purpose of ascertaining the time when such determines, all periods of time shall be excluded during immigrant has been absent from his work for any or all owing causes, that is to say :—

imprisonment: Provided that imprisonment shall not, for es of this section, include detention in respect of any results in the acquittal or discharge of the prisoner, m want of prosecution or from any other cause;

desertion; and

absence from work without lawful excuse:

and that no immigrant under indenture shall be deemed absent from his work, within the meaning of this account of any desertion or absence from work without use, unless such immigrant has been duly convicted of tion: Provided, also, that this section shall not apply to onment, desertion, or absence from work without lawful which may have commenced or occurred before this Ordies into force, or to any imprisonment to which such may be sentenced after this Ordinance comes into force time or offence committed before such time, or to any ent, desertion, or absence from work without lawful which was not duly recorded (after conviction) in the Defaulters, required to be kept by the manager of the

PART VIII.—*Dwellings and Gardens.*

.) The employer shall, upon the allotment or indenture any immigrant, assign to him a suitable dwelling upon and shall at all times keep such dwelling in sufficient the roof of it water-tight, and shall keep the yard and or a sufficient space round such dwelling well drained, rains clean and in good order, and the yard and grounds ourhood free from bush and weeds and rubbish of every

The employer shall also assign to each immigrant who may t at least one quarter acre of good provision garden land. dwelling which is in the opinion of the Protector of s, the Colonial Surgeon, or District Medical Officer, abitation, shall be assigned to any indentured immigrant, greater number of immigrants shall be assigned to any or separate apartment, except with the special permission protector of Immigrants, Colonial Surgeon, or District

* Amended by Ordinance No. 8 of 1896, page 699.

Medical Officer, than at the rate of one adult to every 50 feet of superficial space, or of three single men, or one man and his wife with not more than two children, to every one apartment of not less than 120 feet of superficial space.

61.—(1.) Every manager shall keep a register of all such dwellings on his estate as are, or are intended to be, assigned to indentured immigrants for habitations, and shall from time to time enter on such register the names of all the indentured immigrants in each house or apartment.

(2.) Such register shall be open to the inspection of the Protector of Immigrants, the Colonial Surgeon, and District Medical Officer, and any one of such officers shall mark therein, under his signature, such dwellings as he may from time to time consider to be unfit for habitation, or in need of repairs, and also such dwellings as he may have permitted to be occupied in excess of the scale authorized by this Ordinance, with his reason for such permission, and shall also make therein such requisitions as he may deem necessary for insuring the sanitary fitness of such dwellings for habitation, and every such requisition shall be complied with by the employer.

62.—(1.) The Protector of Immigrants shall, with the assistance of the Colonial Surgeon, from time to time make such regulations as may seem necessary for the proper construction, arrangement, and drainage of the dwellings and yards and neighbourhood of indentured immigrants.

(2.) All such regulations shall be subject to the approval of the Governor in Council, and shall, when so approved, be published in the official Gazette, and copies of the same shall be sent to the manager of each estate on which there may be indentured immigrants.

63.—(1.) Every employer who—

(a.) Fails to provide any immigrant indentured to him with a suitable dwelling, and one quarter acre of good provision garden land (if applied for); or

(b.) In any respect neglects or refuses to comply with the provision of this Ordinance, or with the regulations for the proper construction, arrangement, and drainage of such dwellings or yards or neighbourhood, or in respect of the register of dwellings;

Shall, on conviction on the complaint of any immigrant thereby aggrieved, or of the Protector of Immigrants, be liable to a penalty of 5*l*.

(2.)* Persistence in any of the offences, or frequent repetition of them will expose the employer to the loss of the immigrants. Their indenture will be determined, and they will be removed.

* Amended by Ordinance No. 8 of 1896, page 699.

.) Every immigrant under indenture shall reside on the which he was allotted. Failing to do so, the immigrant on conviction at the suit of the employer, pay a fine not 2*l*. if a male, or 1*l*. if a female.

any employer habitually failing to enforce this provision ble to prosecution by the Protector of Immigrants, and to a penalty of 2*l*.

.) Every indentured immigrant who—

steps his dwelling in so filthy or unwholesome a state as to ce or injurious to health; or

fuses or neglects, within a reasonable time after being the manager, to remove any nuisance or substance which re caused or placed in the immediate proximity of his own er dwelling; or

mmits any nuisance upon any dam or common thorough- estate;

on conviction at the suit of the manager, be liable to a

e manager shall himself be liable as in the last preceding an equal penalty if he fail to enforce this provision.

PART IX.—*Rationing of Immigrants.*

1.)* Every employer to whom immigrants may be allotted and after the date of delivery to him of the immigrants n any allotment, provide for every such immigrant good s and fuel in lieu of a portion of his wages, according to a tariff to be fixed from time to time by the Governor in who shall also fix the price of the food rations and fuel, portion of wages for which such rations and fuel shall be d the times at which such rations and fuel are to be

ny neglect or refusal to comply with this provision by the or manager shall subject him to prosecution and a fine r the lot of immigrants may be removed, and their s cancelled: Provided that at the expiration of nine ter the arrival of every such immigrant, the Protector of ts may order such food rations and fuel to be discon- d the whole of his wages to be paid to such immigrant , if the Protector of Immigrants is satisfied that such t is in good health, and is earning wages more than the s rations and fuel. Such order shall be subject to revo- at any subsequent time, it is found that such immigrant

* Amended by Ordinance No. 8 of 1896, page 699.

is earning less than the cost of his rations and fuel, or health, or for such other cause as to the Governor in Council seem fit.

(3.) Rations, judged to be of bad quality by the Inspector of Immigrants or Immigration Medical Officer, shall be rejected, and shall subject the manager, on conviction, to a penalty of 2*l*.

67.—(1.) Every immigrant, rationed under this Ordinance, shall sell or barter any ration or part of a ration furnished under this Ordinance, shall, on conviction at the suit of the Protector of Immigrants, be liable to be imprisoned for any term not exceeding fourteen days.

(2.) Every person who shall take, by way of purchase, from any immigrant rationed under this Ordinance, any ration or part of a ration shall, on conviction at the suit of the Protector of Immigrants, be liable to a penalty of 2*l*.

(3.) If the manager habitually neglect or refuse to comply with the provision of this Ordinance, he shall be liable, on conviction at the suit of the Protector of Immigrants, to a penalty of 2*l*.

PART X.—*The Labour Law.*

68.—(1.) The employer shall provide every indentured immigrant with sufficient work for a full day's labour on every day on which field work is not rendered impossible by reason of weather, or its being a Sunday or an authorized holiday, and shall pay him wages, either by the task or by the day, weekly, on the same day in every week, unless such day falls on a Sunday or an authorized holiday, in which case the payment shall be made on the previous juridical day.

(2.) Every employer who fails on any day to provide an indentured immigrant with work for a full day's labour in the field or section, shall, on conviction on the complaint of the Protector of Immigrants, for every such offence, be liable to a penalty of 10*s*. He shall further, for every day's default, pay into Court compensation to such immigrant, if a male the sum of 1*l*. and if a female the sum of 10*d*.

69.—(1.)* The employer may require any indentured immigrant to perform, either by way of task work or time work, any work in which he is not physically unfit; but all work, whether in the field or building or otherwise, which requires the co-operation of two labourers at once in such a fashion that the indolence of one more may prevent another from earning the full amount of wages which otherwise he might have earned in the day, shall be done by the day not by the task.

* Amended by Ordinance No. 8 of 1896, page 699.

(2.) The employer shall inform every labourer upon the assignment to him of any task or time work, whether he is to be paid wages for it by the task or day respectively.

70.—(1.) Subject to the provision as to leave of absence hereinafter contained, every indentured immigrant shall be present at the work assigned him on every day except Sundays, authorized holidays, and days on which work is rendered impossible by reason of bad weather, in the field and in the buildings for nine hours (irrespective of two clear hours allowed for the mid-day meal when working in the field) : Provided also that after any immigrant has earned by task or extra work in any week 6s., or if a woman, 5s., he shall not be compellable to be again present at work during that week.

(2.) Any manager who causes any indentured immigrant to work beyond the number of hours fixed by this section, except for extra wages, shall, on conviction, for each offence be liable to a penalty of 2*l*.

71. No task shall be of greater extent than can be performed by the labourer to whom it is assigned within one working day of seven hours without extraordinary exertion.

72.—(1.) The employer shall pay to every indentured immigrant employed in time work, day wages at the rate, for each day during which he has been present at work for the full time prescribed by this Ordinance, of not less than 1*s.*, if he has been indentured as an able-bodied male adult immigrant, and not less than 10*d.*, if she has been indentured as an able-bodied female adult immigrant. Minors and adults not able-bodied shall be paid according to the work they can perform.

(2.) The employer shall keep a pay list in the prescribed form.

73.—(1.) If any employer, manager, or officer of an estate unlawfully withholds any wages earned by an indentured immigrant, he shall, on conviction, for each offence be liable to a penalty of 2*l*.

(2.) The Magistrate shall order any such wages to be paid, and shall report to the Protector of Immigrants every conviction under this and other sections, together with such circumstances of aggravation or extenuation as to him shall seem noteworthy.

74. Save as hereinafter otherwise provided, all wages duly earned by an indentured immigrant shall be paid in money, without any deduction ; and every stoppage of wages, or part of wages, duly earned by any such immigrant, and every postponement of payment of such wages beyond the next pay day after such wages shall be due, and any payment of wages in kind, and any stoppage of wages for goods supplied on credit by any manager to his indentured immigrant, shall be taken to be an unlawful withholding of wages.

75. The rate of wages for any description of task work shall be less than that ordinarily paid for the same description of work by the Creole and other unindentured labourers working on the estate, and in case there are no such labourers, or they are not paid more than the average rate paid for the same description of work by labourers on neighbouring estates, then not less than the average rate; and if there are no such labourers performing the same description of work on neighbouring estates, then it shall be less than that ordinarily paid for the same description of work by indentured labourers upon neighbouring estates: Provided that the wages agreed upon for a task shall in no case be less than 10s. for a man, or 10d. in the case of a woman.

76. If the immigrant is dissatisfied with the amount of wages tendered for any task or time work assigned to him by the employer, he may, after performance of the task work in question, lay a complaint in summary manner before the Magistrate of the district, stating any deficiency by which the wages so tendered fall short of the remuneration of the work performed, or may lay an information, and make a complaint against the employer for the unlawful withholding of wages duly earned; and any such information or complaint may be turned by the Magistrate into such proceedings as he may think fit, if he shall be of opinion, after hearing the case, that there are grounds for further inquiry before estimating the amount of the wages.

77.—(1.) In any proceedings for the recovery of wages due to an indentured immigrant, it shall not be necessary for such immigrant to take out a summons against the employer, or to lay a formal information or complaint therefor; but the Magistrate, upon receiving from such immigrant any verbal statement of the complaint, require of the manager a statement of the work performed by such immigrant, and of the wages paid, and to produce together with any material facts or documents.

(2.) If the matter at issue appears to be such as shall require upon the complaint for the unlawful withholding of wages, the Magistrate shall forthwith issue, free of cost, a summons requiring the employer to appear and answer such complaint, and shall thereupon as if the immigrant had in the first place laid down a complaint, and shall give notice to the immigrant accordingly. If the rate of wages is the subject of dispute, the Magistrate shall forthwith proceed to estimate, to the best of his ability, the fair remuneration for the work in question.

78.—(1.) In making such estimate, whether for time or task work, the Magistrate shall have regard in the first place to the rates laid down in this Ordinance for determining the rate of wages, and in the second place to the rates paid to indentured

during estates for descriptions of work the most nearly that in question; and it shall be lawful for him to witnesses skilled in the valuation of labour, and to allow expenses their travelling expenses, and payment for their rate not exceeding 1*l.* a day for a manager, 2*s.* a day for arer, and 8*s.* a day for any other person.

the Protector of Immigrants shall, at his request, supply strate with any information in his possession which may in forming a decision, and if necessary shall hold an on upon the spot of the circumstances material to the nd report to the Magistrate the result thereof.

ne Magistrate shall make such order in the premises as to seem just, and shall direct by whom and in what propor- ost of such proceedings shall be paid, and shall specify in e the grounds of his decision, and shall forward a copy the Protector of Immigrants.

every such order shall be enforceable, and every payment hereby shall be recoverable in the same manner as in the y order made in the exercise of the ordinary summary n.

any employer, manager, or officer of an estate, assaults way ill-uses the person of an indentured immigrant on e, he shall on conviction be liable to be imprisoned, with hard labour, for a term not exceeding two months, or to of 2*l.*, and the Protector of Immigrants may, with the f the Governor, require the dismissal of such manager or the estate, and, in default of such dismissal, may remove d immigrant or the whole lot of indentured immigrants, aggravation; and such convicted manager or other officer ate shall not, without the permission of the Governor, be o be a responsible officer on that or any other estate entured immigrants.

every indentured immigrant who—

without lawful excuse is absent from work; or
guilty of wilful indolence during working hours; or
without lawful excuse refuses to begin or finish any parti- assigned to him;

on a first conviction be liable to a penalty of 1*l.*, and on a subsequent conviction shall be liable to a penalty of 2*l.*:
that no female immigrant convicted under this Ordinance e, wilful indolence, or non-appearance at work, shall be to the payment of a penalty on first conviction exceeding provided that no female immigrant shall be convicted for work, absence from work, or failing to show ordinary while at work, where it appears to the Magistrate before

81. Every indentured immigrant who without reason refuses or neglects to amend any work duly thrown out for improper performance, shall, on the first or any subsequent conviction be subject to the respective penalties provided in the preceding section, and shall furthermore forfeit such portion of the wages which may be due for such work as the convicting Magistrate shall think proper, and the Magistrate may suspend the payment of any such wages pending appeal, which he shall have taken against such immigrant for such refusal or neglect: Provided that no work shall be taken out of the indentured immigrant's hands, or be duly thrown out for improper performance, except by the Magistrate taking down the work on the spot the same day, or on the day after such work has been done, nor unless such Magistrate has previously informed the immigrant upon the spot that his work is defective, or, in case he be absent, so soon afterwards as is possible, and has specified the ground or matter of his objection to the work, and has required him to amend the same.

(1.) Is drunk while employed on any work; or

(3.) By negligence, carelessness, or any other imprudent act, damages or causes to be damaged any property of his or her estate.

(5.) Hinders or molests any other indentured im
performance of his work: or

(6.) Persuades or attempts to persuade any other immigrant unlawfully to refuse to work, absent himself or desert from work ; or

(7.) Is guilty of any fraud or wilful deception in
ance of his work ;

Shall, on a first conviction, be liable to a penalty of not more than \$100; and on a second or any subsequent conviction be liable to a penalty of not more than \$200.

83.—(1.) Any indentured immigrant who, having a pass by his employer, absents himself from work on reasonable grounds, to lay an information or make a complaint against the employer or manager before the Magistrate, or to make any reasonable complaint of his treatment to the Commissioner of Emigrants, and to ask counsel of him, shall be entitled to a certificate of discharge from his contract.

Magistrate or the Protector of Immigrants a certificate of absence was for reasonable cause; and no immigrant getting such certificate shall be liable to conviction for absence upon the day on which such certificate was granted, or at any time before or after as shall be necessary to allow of his going and returning.

No indentured immigrant shall be convicted under this Ordinance for wilful indolence or non-performance of work assigned to him in respect of any work for which he was at the time physically fit to perform, or which was of such a description or extent, or which was assigned to him in such manner or for such a rate of wages, as to contravene any provision of this Ordinance, or which was unduly withheld, or for which any wages was unlawfully withheld.

(1.) An indentured immigrant may bind himself by agreement with his employer, terminable on the next weekly pay day, to work extra time in the field: Provided the description of work to be done by him during such extra time be expressly stipulated in the agreement.

An indentured immigrant may bind himself by agreement with his employer, terminable on the next weekly pay day, to work extra time in the buildings, and the employer may assign him during such extra time any work in the buildings which he is physically competent to perform; but no indentured immigrant shall be compellable under any such agreement to work on any day for more than six hours of extra time, or to perform work of a different description from any such as he may by his agreement expressly stipulated for.

In the absence of previous agreement to that effect, an indentured immigrant employed in the buildings may be on any day required to work extra time not exceeding three hours: Provided that intention be communicated to him at least one hour before the expiration of the ordinary time, and that if he then give notice of his refusal to continue longer at work, he shall be entitled to work one hour after the expiration of the ordinary time.

All extra time work shall be paid for by the hour at a rate not less than that at which ordinary time work is paid for, and the provisions, remedies, and penalties in respect of the due performance and payment of wages shall apply to extra time work as to ordinary service as a watchman, whether under agreement or otherwise. The provisions are contained in this part of the Ordinance with reference to ordinary work.

(1.) In the absence of agreement to that effect, an indentured immigrant shall not be required to serve as a watchman on the estate of his will; but he may bind himself by agreement to serve as a watchman on the estate for any term not longer than one month.

and from month to month; and unless he gives notice to serve any longer as a watchman at least ten days before the expiration of any month's service, he shall be compelled to serve for one other month.

(2.) Every immigrant under indenture who, after being employed as a watchman—

(a.) Unlawfully neglects his duty as such watchman—

(b.) Unlawfully neglects to serve as a watchman during the period for which he has agreed to serve, or for which he has been bound to serve;

shall be guilty of an offence, and shall, on being convicted, be liable to a penalty of 2*l*.

(3.) It shall be necessary, before any such immigrant is convicted for any offence under this section, to prove that the immigrant had previously agreed to serve as a watchman, or that the charge for offence under this section may be in the First Schedule.

87.—(1.) When an indentured immigrant is physically incapable of performing a task or a full day's work, it shall be the duty of the employer to assign him a half or three-quarter task or day's work, provided he first receive a certificate to this effect from the Medical Officer.

(2.) No immigrant who has obtained from the District Medical Officer a certificate of such inability shall be compelled to perform a full task or day's work.

PART XI.—*Leave and Desertion.*

88.—(1.) Every indentured male adult immigrant who is employed for 5*s*., and every indentured female or minor immigrant who is employed for 4*s*. 2*d*., in each of any two consecutive weeks, shall be entitled to demand of his or her employer a free pass or ticket for a period of one day and night, for each of such weeks, at the rate of his or her earnings of 10*s*. or 8*s*. 4*d*. respectively: Provided that no indentured immigrant shall be entitled to demand, and no employer, except for special cause, to be stated in such pass, shall be entitled to give such pass to an indentured immigrant for more than seven days at any one time, or more than twenty-six days in any one year; and no pass for special cause shall be given for more than twenty-six days at any one time, or more than once to the same immigrant in any one year.

(2.) Any employer who gives a pass in excess of the above limits, or who states in such extended pass any frivolous or untrue cause for such extension, shall, on being convicted thereof, be liable to a fine of 5*l*.

80.—(1.) If any indentured immigrant without leave absents himself from the estate, or is absent from roll-call and work for seven days, he shall be taken to have deserted such estate; and the manager shall thereupon proceed to make a complaint against him on that behalf before the Magistrate of the district, and to take out a warrant for his apprehension.

(2.) Such warrant shall be granted free of all cost, and shall be directed to all members of the police force or constables; and a copy of such warrant shall be forwarded by the Magistrate to the Chief of Police, and any copy thereof, certified under the hand of the Chief of Police, shall be executable in the same manner as the original warrant, and shall be sent to each police station.

(3.) Any manager who fails to make such complaint and take out such warrant within forty-eight hours after any such immigrant has become a deserter shall, on being convicted thereof, on the complaint of the Protector of Immigrants, be liable to a penalty of £1, and shall, in addition to such penalty, be liable to an absolute accumulating penalty of 1s. for every day during which such default continues.

(4.) If the deserter voluntarily return to his estate, the manager shall at once report such return to the nearest police station; and failing to do so for seven days after the deserter's return to his estate shall be liable, on complaint of the Chief of Police, to a penalty of 11.

90. Every immigrant under indenture who deserts his estate shall, on first conviction, be liable to a penalty of 21, and on a second or subsequent conviction shall be liable to a penalty of 51.

91. Every complaint or charge against an immigrant under indenture for desertion, and every warrant for the apprehension of an immigrant under indenture who shall have deserted from his estate, shall be in the Forms Nos. 10 and 11 in the Schedule respectively.

92. Every indentured immigrant, convicted of being a habitual deserter, shall be imprisoned for any term not exceeding three months.

93.—(1.) Every police officer may, without warrant, stop any immigrant whom he may have cause to suspect of being absent from his estate without leave, and may require him to show his certificate of exemption from labour, or a pass signed by his employer.

(2.) If any such immigrant does not produce such certificate or pass, the police officer may thereupon take him into custody, and conduct him, if elsewhere than in Castries, to the nearest police station, and if in Castries, to the office of the Protector of Immigrants, and if such immigrant shall be found to be under indenture to any employer, the police officer shall communicate with such

employer, and shall detain the immigrant until he comes before the Magistrate of the district in which his detention shall be required until he shall give security for his appearance to the Magistrate: Provided that if the employer shall so require, the officer shall cause such immigrant to be reconducted to the place from which he was brought.

94. If any immigrant, on being brought to the place of detention, or to any police station, by any police officer, shall refuse to give his name and the name of the ship in which he was brought, or any other information that may be required, or shall refuse to be examined by the Protector of Immigrants or by the officer in charge of the station, for purposes of identification, he shall, on conviction, be liable to a penalty of 1*l*.

95. Every immigrant under indenture, convicted of being absent from his estate without leave, shall be liable to a penalty of 1*l*.

96.—(1.) Every person not being entitled to the services of an immigrant under this Ordinance who employs or knows, or induces any immigrant under indenture, or induces or attempts to induce any such immigrant to leave off work or to quit his employment, against the will of his employer, shall, on conviction, be liable to a penalty of 2*l*., and shall, in case of employment, in addition to the penalty, pay to the employer entitled to the services of such immigrant, by way of damages, at the rate of 4*s*. for every day that such immigrant may have been so employed.

(2.) In case such employment has been on an estate, the person so employed shall be sufficient to support a conviction under this section to prove that such immigrant has been employed thereon while the person so employed was the manager of such estate.

97.—(1.) If any employer states upon oath before any Justice of the Peace that he has reasonable cause to suspect that any immigrant under indenture is harboured or employed on the estate of any person, the Justice may grant a warrant to search for and apprehend any person, the Justice may grant a warrant to search for and apprehend any immigrant and bring him and the person by whom he is harboured, concealed, or employed, before him, to be examined by the Justice as provided by law.

(2.) In any case arising under this section, the onus of proof shall be that the defendant had no knowledge that the immigrant was under indenture shall be on the defendant, not on the complainant or person aggrieved.

98.—(1.) Every manager of an estate on which immigrants are employed under indenture, shall keep a register of all cases under this Ordinance in which he is concerned before the Magistrate.

(2.) Every manager of an estate on which immigrants are employed under indenture, shall keep a register of desertions and absences.

shall enter therein every desertion of an indentured from such estate, and every pass granted by him to an indentured immigrant, with the date and period and the cause of the same, if any, of such pass, and also any leave of absence granted verbally to any such immigrant which shall extend over the same; and neglect to enter up the offences in the several registers, and to keep the record of convictions by Magistrates written up to date, and to enter in the forfeiture of all claim for lost time against any indentured immigrant.

PART XII.—*Sick Immigrants; Estates and Hospitals.*

(1.)* The District Medical Officer shall visit each estate and district, upon which there may be immigrants under indenture, at least twice in every month and oftener when so directed by the Governor, and when summoned by the employer or manager to visit any immigrant suffering from severe sickness, or from any ailment which prevents him from being immediately sent to hospital, or when specially required to do so by the Protector of Immigrants, and shall at every visit sign his name with the date of his visit in the official visitors' book.

He shall at such visits inspect the dwellings of the immigrants and the yards thereof, and shall order every indentured immigrant on the estate, whom he may find suffering from sickness, to be sent to the hospital, or the manager may produce before him for treatment, either to be sent to the hospital of the district in which the estate is situated, or to be treated on the estate, as the case may require, and shall report to the Protector of Immigrants every case of neglect on the part of the manager to produce before him any indentured immigrant requiring treatment, or to send to hospital any immigrant who is sent by him or by the Protector of Immigrants to be sent to hospital, and he shall send to the Governor a report of every case.

The District Medical Officer shall, once in every three months, inspect the muster roll book, and have the roll called over.

The District Medical Officer shall in the case of every immigrant brought to him for treatment, or ordered by him to be sent to the estate, record in the case book any disease or injury from which such patient may appear to be suffering, with the treatment prescribed and diet ordered in each case, and he shall also record the patient of the remedies and diet prescribed.

Whenever the employer or manager of an estate, upon

* Amended by Ordinance No. 8 of 1896, page 639.

which there are indentured immigrants, has reason for believing that any immigrant is suffering from bodily injury, he shall cause such immigrant to be necessarily conveyed, forthwith to the district hospital of the estate.

103. Any person seeing any immigrant in a condition of distress on any road or other place, may send him to hospital, or give notice to the nearest police station, removed to the nearest hospital, and if the immigrant is indentured to an estate, the cost of his removal to hospital shall be included in the bill of charges for treatment in hospital.

104. Every employer shall keep on his estate for the use of the immigrants such supply of medicines and appliances as may be directed by the Colonial Surgeon with the approval of the Governor.

105. Every employer or manager who—

(1.) Refuses or neglects, or unreasonably delays to send to hospital any indentured immigrant, or has reason to believe to be sick or suffering, or whom the District Medical Officer or the Protector of Immigrants has ordered to be sent to hospital; or

(2.) Fails at any visit of the District Medical Officer to examine before him any such immigrant who may require medical treatment; or

(3.) Refuses or neglects or unreasonably delays to administer the remedies prescribed, or to supply the drugs, or to enter the case book; or

(4.)* Upon whose estate any immigrant shall be examined by the Protector of Immigrants or District Medical Officer to be sent from jaws; or

(5.) Fails to keep on the estate the medicines and appliances directed;

Shall, on conviction, on the complaint of the Protector of Immigrants, be liable to a penalty of 10*l*.

106. Every indentured immigrant who—

(1.) After being sent to hospital by the manager, fails to appear beyond the limits of such hospital, before he has been discharged; or

(2.) Refuses or neglects to appear at any time when he is ordered to appear before the Protector of Immigrants or a District Medical Officer; or

(3.) Resists any lawful order for his conveyance to hospital or production before a District Medical Officer; or

* Amended by Ordinance No. 8 of 1896, page 69

(4.) Breaks any of the hospital rules or regulations ; or

(5.) Behaves himself in a disorderly or refractory manner while in hospital ;

Shall, on conviction, on the complaint of the Protector of Immigrants, or a medical officer, be liable to a penalty of 1*l*.

PART XIII.—*Certificate of Exemption from Labour.*

107.—(1.) Every immigrant who may have completed, or who shall hereafter complete, any term of service under indenture, whether entered upon before or after the coming into force of this Ordinance, shall be entitled to receive from the Protector of Immigrants, free of charge, a certificate of exemption from labour.

(2.) The Protector of Immigrants shall register every such certificate in the general register of certificates of exemption from labour, and any certificate of discharge heretofore granted to and remaining in the possession of any immigrant shall have in all respects the force of such certificate of exemption from labour under this Ordinance, and shall be exchangeable for such certificate.

(3.) Every such certificate of exemption from labour or of discharge, and every extract from such register, signed by the Protector of Immigrants, shall be receivable in evidence of the facts therein specified, without proof.

108. The manager of every estate about to be officially visited by the Protector of Immigrants for the purpose of giving certificates of exemption from labour, shall give previous notice of every such intended official visit to the immigrants on such estate, and shall, on every such visit, produce before the Protector of Immigrants every immigrant who has, since the last of such visits, completed his term of service, or will in the course of time within three months thereafter complete the same ; and the Protector of Immigrants shall deliver to every such immigrant a certificate of exemption from labour, and shall, if necessary, indorse such certificate with the word "Provisional," and with the date at which such certificate will in the course of time become due ; and whenever such certificate shall, either in the course of time or otherwise, have become due, the immigrant may call upon the employer to indorse the same, and, in case of refusal or neglect so to do, the employer shall, on being convicted thereof, be liable to a penalty of 2*l*., and, in addition to such penalty, the employer shall pay to the immigrant through the Court, an absolute accumulating sum of 1*s*. for every day of default to indorse the certificate.

109. Except as hereinafter otherwise provided, every immigrant who has obtained a certificate of exemption from labour shall be at liberty to hire or dispose of his services, or to change his residence

in the same manner as any other labourer, not being Chinese, or African immigrant.

110. Every Indian immigrant who has obtained a exemption from labour, or who has completed his term residence in the Colony, shall be entitled to the su protection of the Protector of Immigrants.

PART XV.—*Passports and Return Passage*

111. Every Indian immigrant who has obtained entitled to a certificate of exemption from labour, desirous of quitting the Colony, shall apply to the Immigrants for a passport; and thereupon the Protector of Immigrants may, within one week from the date of such application, deliver to him free of charge, a passport good for one calendar month from the date thereof, and shall register such passport in a register of certificates of exemption from labour, and shall also forward the immigrant's certificate of exemption from labour to the Colony: Provided that the Protector of Immigrants may, for good and sufficient reason, subject in each case to the approval of the Governor, refuse to grant such passport.

112.—(1.) Every immigrant who attempts to quit the Colony without a passport shall, on conviction, on the complaint of the Protector of Immigrants, be liable to a penalty of 10*l*.

(2.) Every owner, master or person in charge of any ship, or agent of any steamer who receives or carries on board such ship or elsewhere any immigrant who has no passport, or whose passport has expired, with intent to send such immigrant out of the Colony, and every owner or master in charge of any ship who carries such immigrant out of the Colony, shall, on conviction, be liable to a penalty of 20*l*. for every immigrant so received or harboured or carried out of the Colony, and shall be liable or executable for the amount of such penalty.

113.—(1.)* Every Indian immigrant who has completed a continuous residence of ten years in the Colony, and has at any time obtained or become entitled to a certificate of exemption from labour, shall be entitled to be provided at the expense of the Colony with a passage back to the port whence such immigrant first arrived in India, for himself, his wife, and his children under the age of 15 years.

(2.) Every immigrant who, being so entitled, is prevented from leaving the Colony contrary to his wish after claiming such exemption, shall, on his embarkation, receive from the Immigrants

* Amended by Ordinance No. 8 of 1896, page 699.

for every six months of such detention : Provided that grant, who shall at any time before the expiration of ten his arrival quit the Colony without a passport, or having Colony with a passport, shall remain out of the Colony term fixed in such passport without reasonable cause, by forfeit all claim to a back passage at the expense ny : Provided, also, that whenever any such immigrant is forego his right to a free passage back to such port , on condition of a sum of money being paid to him, the may pay to such immigrant such sum by way of bounty settled by the Governor in Council. on such payment being made to him, the right of such to such free back passage as above mentioned shall.

1.)* When any Indian immigrant desires to commute his free passage back to India for a piece of land, and or shall see fit to grant to such immigrant a piece of f the Crown lands of the Colony, then such immigrant the piece of land in lieu of his right to a free back

the land shall be granted to him free of all costs and ces.

on such grant of land being made to him, the right migrant to a free back passage shall cease.

the Protector of Immigrants may grant to any immigrant, at any time be in his opinion permanently disabled to perform service under indenture, and who shall produce e from the Colonial Surgeon or any other Immigration officer to that effect, a certificate of exemption from d the Governor may order any such Indian immigrant, o desire, to be provided at the expense of the Immigration a return passage to the port in India whence he emi-

alingerers and habitual idlers, from whom their employers tacted "lost time," shall forfeit their claims to free back bounties, unless in the meantime they make up their lost indenture service. But immigrants who have completed hs of their original term of indenture, or the wives dustrious husbands, or any others by special order of the shall be exempted from the penalty of this provision.

order to facilitate the return of immigrants who shall to back passages at the expense of this Colony, it shall or the Governor when there shall not be any convenient

* Amended by Ordinance No. 8 of 1896, page 699.

opportunity of providing such back passages from this Colony to the port from which such immigrants have sailed, or to the Governor of any neighbouring Colony from which such immigrants have sailed, a convenient opportunity, for the return of such immigrants to such Colony to such port.

118.—(1.) Previous to the departure of any ship from the Colony, having returning immigrants on board, the Protector of Immigrants, assisted by the Colonial Surgeon, shall inspect the ship and immigrants, and ascertain whether the provisions and arrangements made for passage and for the treatment of immigrants on board are in conformity with the law; and

(2.) The Protector of Immigrants shall make out a list of the names of immigrants on board such ship who are entitled to the assistance of the Colony, at the expense of the Colony, and shall deliver such list to the Colonial Surgeon Superintendent for the use of himself and the Colonial Surgeon, and shall certify upon such list the names, ages, and description of immigrants embarked, together with the condition of such immigrants, and that they have all the necessary clothing with clothing suitable and sufficient for the voyage.

PART XV.—*Enlistment and Deportation of Immigrants*

119.—(1.) Subject to the proviso contained in section 118, no person shall by threat, promise, representation, or by any other means induce or attempt to induce any Indian immigrant to leave this Colony with intent to induce or compel such immigrant to do any work, labour, or service in any place beyond the limits of this Colony: Provided that the prohibition of this section shall not apply to any person who in pursuance of a licence granted on the hand of the Governor induces or attempts to induce any Indian immigrants to leave the Colony in order to do work, labour, or service in a place beyond the limits of this Colony to which transportation from British India is permitted.

(2.) Every person who contravenes this section shall be guilty of a misdemeanour, and on conviction thereof before the Court of Magistrates may be fined in any sum not exceeding 500*l.*, and may, or in addition to any such fine may be imprisoned with hard labour for any term not exceeding two years.

120. Any one who removes, or aids or assists in removing, from this Colony any Indian immigrant, contrary to the provisions of this section, shall be guilty of a misdemeanour, and on conviction thereof before the Royal Court, may be imprisoned with hard labour, for any term not exceeding two years.

121. When any Indian immigrant has agreed to enter into such agreement with the Colony, having been induced to enter into such agree-

hibition of this Ordinance, every person who removes
 ds, abets, or assists in enabling to leave this Colony any
 grant, knowing or having reasonable ground to believe
 immigrant has been induced to agree as aforesaid, con-
 the prohibition of this Ordinance, shall be guilty of a
 our, and, on being convicted thereof before the Royal
 y be fined in any sum not exceeding 100*l*, and, either in
 addition to any such fine, may be imprisoned, with or
 ard labour, for any term not exceeding two years.
 n the preceding three sections, prosecution may be com-
 any time, though it exceed the six months' limit for
 ns for other offences.

PART XVI.—Registers, Returns, and Certificates.

The Superintendent, keeper, or other officer in charge of
 n, hospital, asylum, or other public institution of the
 all, on or previous to the 14th day of January and the
 of July in every year, make out and transmit to the
 of Immigrants a Return of all immigrants who may have
 e inmates of such prison, hospital, asylum, or institution
 e six months previous to such months of January and
 ectively, and shall transmit therewith a summary of the
 f any money or other valuables found on such immigrants
 d over to him for safe keeping by the immigrants.

(1.) Every manager of an estate on which any immigrant
 nder indenture, shall keep register books supplied by the
 of Immigrants at the cost of the employer.

uch registers shall be at all times open to the inspection of
 ector of Immigrants, the Colonial Surgeon, and the District
 Officers, and shall be produced in Court if the Magistrate
 ector of Immigrants shall so require in all proceedings taken
 s Ordinance by or against any immigrant under indenture
 estate; and

shall include the following registers:—

The several indenture lists received by the manager on
 t of immigrants, or after his entering into contracts of
 ith any immigrants, or any copies of such indenture lists
 all have been certified by the Protector of Immigrants;

A register of births occurring on the estate, Schedule Form

A register of deaths occurring on the estate, Schedule Form

A register of marriages occurring on the estate, Schedule
 o. 16, contracted according to Christian rites or under the

provision of any Ordinance now or hereafter to be in force in respect of marriages of heathen immigrants, or otherwise ;

- (e.) A register of dwellings on such estate ;
- (f.) A register of absences on leave ;
- (g.) A register of proceedings before Stipendiary Magistrates ;
- (h.) A register of deserters ;
- (i.) A muster-roll book ;
- (j.) An official visitors' book ;
- (k.) A case book ;
- (l.) Pay-list books ;

And all or any other register named in this Ordinance, or that may hereafter be ordered by the Governor to be kept.

125. Every manager who—

- (1.) Makes any false entry in any register or pay list, required to be kept or made by him under this Ordinance ; or
- (2.) Who fails to keep any such register or pay list in the form prescribed by this Ordinance ; or
- (3.) Who neglects to keep any such register or pay list carefully noted up ; or
- (4.) Refuses or neglects to send any register to the Protector of Immigrants when required by him so to do ;

Shall, on conviction, on the complaint of the Protector of Immigrants, be liable to a penalty of 2*l*.

126.—(1.) Every immigrant whose certificate of exemption from labour may be lost or destroyed shall be entitled, on proving to the Protector of Immigrants that he is then entitled to such certificate and that such certificate has been lost or destroyed, and on payment of 1*s.*, to receive a copy of such certificate ; and

(2.) Every employer shall at any time be entitled to a copy of any indenture list of immigrants delivered to him on payment of 1*l.*, or of 5*d.* per immigrant if less than fifty ; and every employer and immigrant shall be entitled to receive a certified extract from any register kept by the Protector of Immigrants on payment of 5*d.* for every line of such extract.

(3.) Every such duplicate or certified extract shall be received in evidence of any fact therein recorded, without further proof.

127. If any immigrant uses or attempts to use any certificate of exemption from labour or any pass signed by an employer, not being the immigrant to whom such certificate or pass was granted, he shall, on conviction, be liable to a penalty of 2*l*.

128. Every person who forges or alters, or offers, utters, disposes of, or puts off, knowing such to be forged or altered, any certificate of exemption from labour or other document mentioned in this Ordinance, or any indorsement provided by this Ordinance to be made thereon, with intent to defraud, shall be guilty of a felony, and,

being convicted thereof before the Royal Court, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years.

129. Any person who forges, alters, disposes of, or puts off, knowing such to be forged or altered, any passport or pass mentioned in this Ordinance, with intent to defraud, shall, on conviction before the Royal Court be liable to be imprisoned, with or without hard labour, for any term not exceeding one year.

PART XVII.—*Miscellaneous.*

130.—(1.) The manager of every estate on which there are indentured immigrants shall keep a book to be called a "muster-roll book," which shall contain in alphabetical order the names of all the indentured immigrants on such estate, and shall be in such form as may be fixed by the Protector of Immigrants.

(2.) The manager shall order every immigrant to attend daily at such time and place as he shall appoint for that purpose, and then and there shall call over the names of all the immigrants of the estate, and shall note on such muster-roll those who are present and those who are absent, and shall ascertain and record the cause of absence in each case.

(3.) Every manager who fails to comply with any of the above provisions of this section, or who makes a false entry on the roll, shall, on conviction on the complaint of the Protector of Immigrants, be liable to a penalty of 5*l*.

(4.) Every immigrant who without lawful cause absents himself from such roll call, shall, on conviction, on the complaint of the manager, be liable to a penalty of 2*l*.

131.—(1.) No ganja shall be imported into or grown in this Colony.

(2.) All ganja imported into or grown in this Colony shall be forfeited.

(3)* Every person who imports or is concerned in the importing of ganja into this Colony, or has ganja in his possession, and every person who plants or cultivates ganja in this Colony, shall, on conviction, be liable to a penalty of 100*l*.

(4)* Every person who sells or gives ganja to any immigrant shall, on conviction, be liable to a penalty of 100*l*.

(5.) The Governor may award any portion not exceeding one moiety of any penalty under this section, when recovered, to any person who may have afforded such information as had led to a conviction.

* Amended by Ordinance No. 8 of 1896, page 699.

132.—(1.)* No dole of rum or food shall be given to an indentured immigrant by the employer or by the manager of an estate in which such immigrant is indentured.

(2.) Every employer or manager who contravenes the provision of this section shall, on conviction, be liable to a fine of 2*l*.

133.—(1.) No shop shall be kept by the owner, manager, or other employé of any estate having indentured immigrants, either upon such estate or within 3 miles thereof: But this section shall not apply to any shop kept in a village.

(2.) If a shop is so kept by or for the profit of the owner or manager, or by or for the profit of any of his officers with his permission, connivance, or knowledge, or the manager shall, on conviction, on the complaint of the Protector of Immigrants, be liable to a penalty of 10*l*., and every day thereafter during which such shop shall so be kept open to a penalty of 5*l*., and to a further penalty of 1*l*. for every day thereafter during which such shop shall so be kept open.

134.—(1.) No employer, manager, or other officer of an estate having indentured immigrants shall, without the sanction of the Protector of Immigrants, borrow money from the estate of immigrants.

(2.) Any officer of an estate violating this provision of the Ordinance shall, on conviction, the Protector of Immigrants complaining, be liable to a penalty of 5*l*.

135.—(1.) Subject to the control of the Governor, the Protector of Immigrants shall make provision for every child born to parents, either by giving him away to some trustworthy person willing to adopt him under written conditions, or by placing him in the care of a suitable person for his care and maintenance till other provision can be made for him, and charging the cost to the Government Fund.

(2.) Such orphans shall have no claim on the Immigration Fund either for a free passage to India or the commutation of passage to the land.

136.* On arrival from India, all immigrants who have been married by the Protector of Immigrants that they have, during their voyage, made marriages according to Indian custom, shall be recognized as man and wife; and subsequently, all marriages contracted in the Colony according to Indian custom, and duly attested in the register of the Immigration Office, at the time of the celebration, shall be valid.

137. Immediately on the occurrence of any birth or

* Amended by Ordinance No. 8 of 1896, page 699.

g indentured immigrants, or in a hospital or other public the responsible officer of the estate or public institution report of it to the Protector of Immigrants.

L.) In every case in which a sentence of imprisonment is against an indentured immigrant, the Registrar of the t or the Clerk of the District Court, shall, as soon as notify the Protector of Immigrants and the employer, of f the immigrant, his estate, his offence, and his term of nt.

nd no claim for the lost time of such imprisonment alid unless the manager of the estate to which the was assigned, make the entry of it at the time of its

hen an immigrant, indentured or otherwise, dies on an which he has been working, it shall be the duty of the of the estate to bear the expense of his burial.

PART XVIII.—*Procedure.*

very information laid or complaint made under any pro- his Ordinance shall be laid or made before the Magistrate rict in which the offence was committed or the cause of rose, and the procedure shall, unless otherwise provided nance, be that provided by any Ordinance for the time rce for the regulation of procedure in the District Courts: hat any such information or complaint against an immigrant shall be laid or made within one month from such offence or cause of complaint; and every citation, r other process in behalf of such indentured immigrant nished by the Clerk of the District Court free of charge: urther that if the Protector of Immigrants shall, on ny indentured immigrant see fit to carry any summons, r order of any Magistrate in any case of summary under this Ordinance to an Appeal Court, he may application at any time within one month after the

very information which may be laid or complaint which de under this Ordinance by an immigrant, may be laid or e Protector of Immigrants on his behalf.

any proceedings taken by an employer or manager mmigrant under this Ordinance, it shall not be necessary plainant to attend in person, unless the complainant be a tness on the part of such immigrant, in which case the y be postponed.

very indenture, contract, document, or other proceeding,

or any copy thereof, or any extract from any register directed to be kept by the Protector of Immigrants, certified by or reporting to bear the signature of the Protector of Immigrants, or any employer, shall be received as *prima facie* evidence of the original, and of the truth of the contents thereof, without further proof.

144. The defendant in all proceedings under this Ordinance shall be entitled to be sworn and to tender his evidence on oath, and every heathen immigrant shall make such oath or affirmation as he shall declare to be binding on his conscience, and shall be liable in case of falsehood to be convicted and punished as for perjury.

145. In any proceedings taken by or against an employer, in which it is necessary to state the ownership of any property belonging to or in the possession of the proprietors of any estate, it shall be sufficient to name any one of such proprietors, or the attorney of such proprietors, and to state such property to belong to the person so named and another or others, as the case may be.

146. Every immigrant under indenture who is imprisoned by virtue of any conviction under this Ordinance, shall be imprisoned with hard labour, and every such immigrant imprisoned in any prison for which a scale of task work has been sanctioned by the Governor, shall fulfil such sentence of imprisonment by the performance in such prison of a number of tasks equal to the number of days for which he has been imprisoned; and he shall not be discharged till he has performed such tasks, except by the special order of the Governor.

147.—(1.) Every inquest upon the body of an Asiatic or other immigrant, known or registered to be such within the meaning of this Ordinance, shall be held by a Magistrate without the intervention of a jury, who shall sum up the evidence, and make and sign an order thereupon; and every such order shall be equivalent in all respects to a verdict signed by a Coroner's jury and countersigned by a Coroner.

(2.) Every such Magistrate shall, on transmitting the inquisition to the Governor, transmit to the Protector of Immigrants a statement of such particulars in respect to the identity of the immigrant and the cause of his death, as he may be able to ascertain on such inquest.

148.* It shall be the duty of the Protector of Immigrants to collect and take possession of the property of any immigrant who may die in the Colony without making a will, and without a relation

* Amended by Ordinance No. 8 of 1896, page 699.

lony, and with the sanction of the Governor, to convert property into money and pay the proceeds into the Colonial Treasury, in order that it may be remitted to the person or persons to whom it may be entitled thereto.

All legal proceedings under this Ordinance shall, where it is otherwise provided, be taken in the name of the Treasurer: and that every prosecution for a penalty under this Ordinance shall be commenced within six months after the commission of the offence of which such penalty has been incurred, unless otherwise provided: Provided also that no fees shall be required by the Treasurer from the person or persons in respect of any proceedings taken under this Ordinance.

Witness the hand of the Governor, this 4th day of February, 1891.

T. F. MEAGHER, *Acting Clerk of Councils*.

assent.

WALTER HELY-HUTCHINSON, *Governor*.

February 20, 1891.

FORM NO. 3.

Register of Applications for Immigrants.

Number of Application.	Date of Application.	Name of Applicant.	Description of Applicant.	Name of Estate.	Consents or Objections.	Calcutta Indians.	Madras Indians.	Chinese.	Africans.	Madeirans.	Cape de Verdians.	Total.	Observations.
													(As, if indenture fee to be paid in cash; if allotment to be made at any special time of the year; if application refused with grounds and date of refusal.)

Form No. A.

General Register of Immigrants introduced into the Colony.

Year of Introduction.	Name of Vessel and Place of Embarkation.	Number.	Name of Immigrant.	Father's Name.	Sex.	Age.	Height.	Bodily Marks.	Caste or Trade.	Name of Native Place.	Date of Allotment.	Estate on which Allotted.	If Indentured as Able-bodied or otherwise, under Contract of Residence, &c.	If Married or Intended to be married.	Number of Husband.	Observations.	Whether indenture terminated, commuted or cancelled, and if transferred, to whom, &c.

This indenture list sheweth that the [*number, race*] immigrants, whose names and register numbers are hereunder written, have been duly allotted to [*name*] to serve as labourers or reside upon estate, district, from the dates and upon the terms of indenture, contract of residence or otherwise, herein specified for each of them, and according to "The Immigration Ordinance, 1891" (but subject to such special contract as hereto appended, as the same is valid under the said Ordinance).

Year of Introduction.	Name of Vessel and Place of Embarkation.	Number in General Register.	Name of Immigrant.	Father's Name.	Sex.	Age.	Height.	Bodily Marks.	Date of Allotment.	Whether Indentured under Contract of Residence or Unindentured.	Amount of Fee payable on Indenture.	Numbers of Wife, Husband, Children, &c.	Signature or Mark of Immigrant.
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, Protector of Immigrants.

(Signed)

FORM No. 6.

Certificate of Indenture.

This is to certify that the [*race*] immigrant, whose name and register number are hereunder written, has been duly allotted to [*same*] to serve as an indentured labourer upon estate, district, from the date herein specified, and according to "The Immigration Ordinance, 1891" (but subject always to such special contract as hereto appended, so far as the same is valid under the said Ordinance).

Year of Introduction.	Name of Vessel and Place of Embarkation.	Number in General Register.	Name of Immigrant.	Father's Name.	Sex.	Age.	Height.	Bodily Marks.	Caste or Trade.	Native Place.	Date of Allotment.	Signature of Employer.

(Signed)

, Protector of Immigrants.

Certificate of Determination of Indenture.

, Protector of Immigrants, do hereby certify that,
 written sanction of the Governor, I have this day of ,
 determined the indenture, bearing date the day of ,
 the immigrant male ,
 arrival, No. , ex , 189 , late under indenture
 to estate , in the district of the Colony
 a.
 as my hand, this day of , 18 .

C. D., Protector of Immigrants.

My List of Estate for Week ended

[illegible]

Weather table: W., wet; V. W., very wet; Sh., showery; F., fine.

in columns: S., sick; H., in hospital; G., in gaol; A., absent without

FORM No. 9.

Complaint and Charge for an Offence by Watchman.

THE complaint and charge of _____, the manager of
 estate, in the _____ district, *St. Lucia*, taken before me, the undersigned,
 acting as the Stipendiary Magistrate of the said district, this _____ day of
 _____, 18____, who saith that the immigrant
 _____ male _____, years on arrival, No. _____, *ex*
 18____, then being under indenture to the said estate, and having bound himself
 by a certain agreement to serve as a watchman on the said estate, and being
 then bound so to serve for a period then unexpired on the _____ day of
 _____, 18____, and whilst he was so bound as aforesaid did unlawfully
 neglect his duty as such watchman by [*here state how*] _____, or to
 serve as a watchman on the said estate, contrary to the form of the Ordinance
 in such case made and provided.

A. B., Manager of _____

Exhibited and sworn before me, this _____ day of _____, 18____,
 at _____
C. D., Stipendiary Magistrate.

FORM No. 10.

Complaint or Charge against a Deserter.

No. _____, estate _____
 THE complaint and charge of _____, the manager of
 estate, in the _____ district, *St. Lucia*, taken on oath before me, the
 undersigned Stipendiary Magistrate of the said district, this _____ day of
 _____, 18____, who saith that the immigrant
 _____ male _____, years on arrival, No. _____, *ex*
 18____, _____ in height, _____ bodily marks _____
 being then under indenture, dated the _____ day of _____, 18____, to
 the said estate, did on the _____ day of _____, 18____, without leave
 absent _____ self from the said estate, and did continue so to absent _____ self
 from the said estate for the period of seven days then next following, by means
 whereof he, the said _____, then became and now is a deserter from
 the said estate, contrary to the form of the Ordinance in such case made and
 provided; and thereupon the said _____ makes application that the
 said _____ may be apprehended and dealt with according to law.

A. B., Manager of _____ *Estate.*

Taken and sworn before me, this _____ day of _____, 18____,
 at _____
C. D., Stipendiary Magistrate.

FORM No. 11.

Warrant to Apprehend a Deserter.

_____ of the police force in the Colony of St. Lucia.

_____ of the year _____

_____ a complaint and charge in writing hath this day been laid before
 _____, esquire, one of Her Majesty's Stipendiary
 _____ and for the Colony of St. Lucia, at _____, in the
 _____ said Colony, by _____, manager of the _____ estate
 _____ district, on oath, for that the immigrant _____ male,
 _____ years on arrival, No. _____, or _____, 18 _____,
 _____ in height, bodily marks _____, then being under
 _____ the _____ day of _____, 18 _____, to the said estate,
 _____ leave on the _____ day of _____, 18 _____, absent _____ self
 _____ estate for the period of seven days then next after, by means
 _____ then became and now is a deserter from the said estate, contrary to
 _____ the Ordinance in such case made and provided. These are
 _____ command you, or either or any of you, forthwith to apprehend the
 _____ and bring h _____ before me, or the then acting Stipendiary
 _____ of the said district, to be further dealt with according to law.
 _____ under my hand at _____, on the _____ day of _____

C. D., Stipendiary Magistrate.

FORM NO. 12.

Certificate of Exemption from Labour.

THIS is to certify that immigrant, whose name and register number are hereunder written, from and after this certificate shall in course of time or otherwise be due, is exempt from all legal liability to labour under "The Immigration Ordinance, 1891."

Number in General Register.	Name.	Description.	Date of Allotment.	Date when Certificate was Issued.	Date when Certificate will fall Due in course of Time.	Whether at present Indentured on an Estate [<i>name</i>] or Free; whether Returning to Colony after Absence on Passport; whether Paying for renewed Cost; whether Exempted for Disability.	Indorsement of Employer.

Number in General Register.	Name.	Date of Allotment.	Date when Certificate was Issued.	Date when Certificate will fall Due.	Name of Estate on which last Indentured, and if on Allotment, or otherwise, or if Returning to Colony, or if Exempted from Disability for Service.	If any, Number of last Certificate Issued.	If any, Date of Passport.	Observations.	Date of Claim for Return Passage.

Name of Deceased.	Sex.	Age at Time of Death.	Country.	Ship in which Introduced and Number.	Year of Arrival.	Date of Death.	Cause of Death.	Remarks.

FORM No. 16.

Register of Marriages.

Date.	Number.	Name.	Country.	Ship in which Introduced and Number.	Year of Arrival.	Place of Abode.	Place of Publication of Notice of intended Marriage.

Register of Cases or Proceedings before Stipendiary Magistrate.

		Date of Complaint.	Complainant.	Defendant.	Immigrants.			Charge.	How Disposed of.	Punishment, if any.	Remarks, — Date of Disposal.
Number herein.					Number in General Register.	Year of Introduction.	Name of Ship.				

FORM No. 20.

*Muster Roll of**Estate for the Month of*

, 18 .

Description of Immigrants.	Register Numbers.	Names.	Remarks.
			1st.
			2nd.
			3rd.
			4th.
			5th.
			6th.
			7th.
			8th.
			9th.
			10th.
			11th.
			12th.
			13th.
			14th.
			15th.
			16th.
			17th.
			18th.
			19th.
			20th.
			21st.
			22nd.
			23rd.
			24th.
			25th.
			26th.
			27th.
			28th.
			29th.
			30th.
			31st.

*ORDINANCE of the Government of St. Lucia, to amend "The Immigration Ordinance, 1891."**

[No. 2.]

[February 15, 1895.]

BE it enacted by the Governor, with the advice and consent of the Legislative Council of St. Lucia, as follows:—

1. This Ordinance may be cited as "The Immigration Ordinance, 1891, Amendment Ordinance, 1895," and shall be read and construed as one with "The Immigration Ordinance, 1891" (hereinafter termed the principal Ordinance).

2. Section 35 of the principal Ordinance shall have effect as if there were added thereto the following words:

"Provided also that the Governor may, under special circumstances in any case, extend the term for the payment of all or of any of the instalments of the indenture fee aforesaid."

Passed the Legislative Council, this 17th day of January, 1895.

E. EVELYN, *Clerk of Councils*.

I assent.

CHARLES BRUCE, *Governor*.

February 2, 1895.

[Repealed by Ordinance No. 8 of 1896, which follows.]

*ORDINANCE of the Government of St. Lucia, to amend "The Immigration Ordinance, 1891."**

[No. 8.]

[July 24, 1896.]

BE it enacted by the Governor, with the advice and consent of the Legislative Council of St. Lucia, as follows:—

1. This Ordinance may be cited as "The Immigration Ordinance, 1891, Amendment Ordinance, 1896," and shall be read and construed as one with "The Immigration Ordinance, 1891" (hereinafter referred to as the principal Ordinance).

2. Section 35 of the principal Ordinance shall have effect as if there were added thereto the words:

"Provided also that the Governor may, under special circumstances in any case, extend the time for the payment of all or of any of the instalments of the indenture fee aforesaid."

3. Sub-section 2 of section 59 of the principal Ordinance shall have effect as if after the words "to each immigrant," and before

the words "who may apply for it," there were inserted the words "indentured to him."

4. Sub-section 2 of section 63 of the principal Ordinance shall have effect as if there were omitted therefrom the words—

"Their indenture will be determined and they will be removed."

5. Sub-section 1 of section 66 of the principal Ordinance shall have effect as if there were added to the said sub-section the words:

"The employer may, week by week, deduct the cost of the rations issued to such immigrant for the week from any wages earned by such immigrant during the week, but no deduction shall be made by, or allowed to, any employer in respect of rations issued in any previous week."

6. Sub-section 1 of section 69 of the principal Ordinance shall have effect as if after the words "in such a fashion that the indolence," and before the words "of one or more," there were inserted the words "carelessness or incapacity."

7. Sub-section 1 of section 99 of the principal Ordinance shall have effect as if the words "at least once in every week" were substituted for the words "at least twice in every month."

8. Sub-section 4 of section 105 of the principal Ordinance is hereby repealed, and the following is substituted therefor:

"Shall knowingly allow to remain upon any estate any immigrant suffering from yaws."

9. Section 113 of the principal Ordinance is hereby repealed, and the following is substituted therefor:

"Every Indian immigrant who has completed a continuous residence of ten years in the Colony, and has during that time obtained or become entitled to a certificate of exemption from labour, shall be entitled to be provided, at the expense of the Colony, with a passage back to the port in India whence such immigrant sailed for this Colony, for himself, his wife, and his children: Provided that—

"(1.) No child born in this Colony of any Indian immigrant shall be entitled to a passage to India, unless such child sails from this Colony with his parent;

"(2.) When any child of any Indian immigrant is under the age of 12 years, the Governor may refuse a return passage or a passage to India of such child, if it appears that it is desirable in the interest of such child that such child should remain in the Colony;

"(3.) If the child of any Indian immigrant is under indenture upon which any indenture fee has been paid, such immigrant shall pay the commutation money to the employer of such child; and

"(4.) Every immigrant who at any time quits, or attempts to

quit, the Colony without a passport, shall thereby forfeit all claim to a return passage at the expense of the Colony, notwithstanding he may have resided ten years in the Colony.

“ Provided, however, that the Protector of Immigrants may, with the express sanction of the Governor, in any particular case, for special cause, relax any of the provisions of this section.”

10.—(1.) When any Indian immigrant is willing to forego his right to a free passage back to India on condition of a sum of money being paid to him, the Governor may pay to such immigrant such sum by way of bounty as may be settled by the Governor in Council.

(2.) Upon such payment being made to him the right of such immigrant to such free back passage shall cease.

11. Section 114 of the principal Ordinance shall have effect as if there were added thereto the words :

“ Provided that in any case where an immigrant desires to commute his right to a free back passage partly for a sum of money and partly for a piece of land, the Governor in Council may, if he thinks proper, sanction such commutation.”

12. Sub-sections 3 and 4 of section 131 of the principal Ordinance shall have effect as if, in each of the said sub-sections, after the words “shall be liable to a penalty of” the word “fifty” were substituted for the words “one hundred.”

13. Sub-section 1 of section 132 of the principal Ordinance shall have effect as if after the words “no dole of rum” there were omitted the words “or food.”

14. Section 136 of the principal Ordinance shall have effect as if before the word “during” there were inserted the words “before or.”

15. Section 148 of the principal Ordinance shall have effect as if there were added thereto the words :

“ Provided that in the case of any immigrant dying in the Colony without having made a will, and leaving a wife and children in the Colony, and if there is reason to suppose that the deceased has left a wife and children in India, it shall be the duty of the Protector of Immigrants, before distributing the property of the deceased, to make inquiry as to the survival of such wife and children in India, and if it be found that the deceased has left a wife and children in India, the Protector of Immigrants shall distribute the property of the deceased equally between such wife and children in India and his wife and children in the Colony : Provided that, pending the result of such inquiry by the Protector of Immigrants, the Protector of Immigrants shall pay over to the wife and children of the deceased in this Colony one half of the property left by the deceased.”

16. "The Immigration Ordinance, 1891, Amendme
1895" (No. 2 of 1895),* is hereby repealed.

Passed the Legislative Council, this 8th day of Jul

E. EVELYN, *Clerk*.

I assent.

CHARLES BRUCE, *Governor*.

July 16, 1896.

CORRESPONDENCE respecting the Interpretation of Article II of the Treaty between Great Britain and Portugal signed on the 11th June, 1891† (Arbitration of the Manica Boundary; Award of Arbitrator).—1896.

No. 1.—The Earl of Rosebery to Sir H. MacDonell.

SIR,

Foreign Office, M

THE Portuguese Minister, who has just returned called here to-day and earnestly pressed upon me the principle of arbitration with reference to the plateau.

I am, &

Sir H. MacDonell.

No. 2.—The Earl of Kimberley to Sir H. MacDonell.

(Telegraphic.)

Foreign Office, M

I TOLD the Portuguese Minister yesterday a boundary that Her Majesty's Government accepted in principle. He said that this announcement caused satisfaction.

No. 3.—Sir H. MacDonell to the Earl of Kimberley.

March 26.)

MY LORD,

Lisbon, M

THE statement made by your Lordship to the Minister in London, as intimated to me in the telegraph of the 15th instant, namely, that Her Majesty's Government had agreed to accept the principle of arbitration in the difficulties arisen between the two countries with reference to the boundary of Manicaland, has been received by this Government with the liveliest satisfaction.

* Page 699.

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organs of the press in Lisbon are unanimous in their
 ble mention of this new turn in the situation of their African
 I have, &c.,
Earl of Kimberley. H. G. MACDONELL.

No. 4.—The Earl of Kimberley to Sir Clare Ford.

graphic.) Foreign Office, June 14, 1894.
 concert with your Portuguese colleague, you should ascertain
 or Vigliani will act as Arbitrator on the subject of the frontier
 ica.

No. 5.—The Earl of Kimberley to Sir H. MacDonell.

graphic.) Foreign Office, June 16, 1894.
 C. FORD has been authorized to join the Portuguese Minister
 ing Signor Vigliani if he will act as Arbitrator respecting the
 er of Manicaland.

*No. 6.—Sir Clare Ford to the Earl of Kimberley.—(Received
 June 19.)*

ORD,
 ROME, June 16, 1894.
 WITH reference to your Lordship's telegram of the 14th instant,
 eting me to ascertain in concert with M. Vasconcellos, my
 guese colleague, whether Signor Vigliani would feel disposed
 as Arbitrator on the question of the Manica frontier, I have
 honour to inform your Lordship that I arranged with
 asconcellos that we should go together to see Baron Blanc at
 inistry for Foreign Affairs, and make his Excellency acquainted
 the fact that our respective Governments entertained the
 that Signor Vigliani should, if possible, act as Arbitrator
 e question which was pending between our two Govern-

Accordingly, we called on Baron Blanc in the afternoon, and
 I had explained the matter his Excellency gave his cordial
 rt, expressing his feeling of gratification that the British and
 guese Governments should have selected an Italian subject
 bitrator, under whose auspices, he added, he trusted that the
 r in contention would be arranged to the satisfaction of the
 s concerned.

M. Vasconcellos leaves Rome to-day for Florence, where he
 to meet M. Vigliani, and I have asked him when he sees him
 on my behalf, and to state that I am perfectly agreed in the

language he will hold to him, and join in the desire that it possible to undertake on this occasion the duties of

I have, &c.,

The Earl of Kimberley.

FRANCIS CL

No. 7.—The Earl of Kimberley to Senhor de Soveral.

SIR,

Foreign Office, J

I HAVE the honour to inform you that I learn by Sir C. Ford, Her Majesty's Ambassador at Rome, that the Minister returned on the 19th instant from Florence, and seen Signor Vigliani in reference to the proposed Anglo-Manica Boundary Arbitration.

The Minister informed Sir C. Ford that Signor Vigliani accepted the post of Arbitrator, but expressed his belief that the arbitration might be conducted at Florence, as it was inconvenient for him to go to Rome, and stated that he made it a condition that the documents to be submitted to him should be drawn up in French.

Sir Clare Ford says that he learns that it was the intention of Signor Vigliani by the Portuguese Minister that the intention of employing counsel in the arbitration, and that experts would attend to explain matters of a technical nature.

His Excellency proposes that identic notes should be sent to Signor Vigliani by the two Representatives, officially in order to act as Arbitrator.

I shall be happy to direct him to act in the manner proposed in concert with the Portuguese Minister, as soon as I hear that the latter will receive similar instructions.

When the formal acceptance is received, Her Majesty's Government will be ready to arrange with the Portuguese Government the terms of the reference.

I have, &c.,

Senhor de Soveral.

K

No. 8.—Sir Clare Ford to the Earl of Kimberley.—

July 11.)

MY LORD,

Rome,

I HAVE the honour to inclose herein to your Lordships a note which I addressed yesterday to Signor Vigliani, in order to ascertain whether his Excellency would feel inclined to act as Arbitrator on the question of the Manica frontier.

M. de Vasconcellos, my Portuguese colleague, has a

lency a note on the same subject, which is drawn up in
rms to mine.

I have, &c.,

of Kimberley.

FRANCIS CLARE FORD.

(Inclosure).—*Sir Clare Ford to Signor Vigliani.*

Ambassade d'Angleterre, Rome,

le 7 Juillet, 1894.

NATEUR,

Gouvernement de Sa Majesté la Reine d'Angleterre, et le
ement de Sa Majesté le Roi Très-Fidèle, ont décidé d'un
accord d'inviter votre Excellence de vouloir bien accepter
l'Arbitre afin de décider les questions qui se sont soulevées
Gouvernements Britannique et Portugais quant à l'inter-
des délimitations auxquelles se rapporte l'Article II du
gné le 11 Juin, 1891.

ens donc, au nom de mon Gouvernement, prier votre
ce de vouloir bien m'informer si vous accepteriez cette
Je saisis, &c.,

Vigliani.

FRANCIS CLARE FORD.

9.—*Sir Clare Ford to the Earl of Kimberley.*—(Received
July 14.)

Rome, July 11, 1894.

D,
a reference to my despatch of the 8th instant, I have the
o inclose copy of a letter which I have received to-day from
Vigliani accepting the post of Arbitrator on the question of
lea frontier.

y add that on receipt of his Excellency's letter I at once
tating that I should forward a copy of it to your Lordship,
onveyed, on my part, the expression of the gratification
felt sure your Lordship would entertain at his gracious
ce of the post which Her Majesty's Government had
im.

I have, &c.,

of Kimberley.

FRANCIS CLARE FORD.

(Inclosure).—*Signor Vigliani to Sir Clare Ford.*

NCE,

Florence, le 10 Juillet, 1894.

l'honorée dépêche du 7 de ce mois votre Excellence, en
ant que le Gouvernement de Sa Majesté la Reine
erre et le Gouvernement de Sa Majesté le Roi de Portugal
é d'un commun accord de m'inviter à accepter la qualité

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d'Arbitre afin de décider les questions qui se sont soulevées entre les Gouvernements Britannique et Portugais quant à la délimitation des délimitations auxquelles se rapporte l'Article signé le 11 Juin, 1891, me fait l'honneur de me demander si je puis bien accepter cette mission. Je m'empresse, Excellence, de déclarer que j'accepte de bon gré l'honorable proposition que les deux Gouvernements daignent de m'adresser. En les acceptant, la marque de haute confiance qu'ils veulent bien me faire en me mettant dès cet instant à leur disposition pour toutes les questions qu'ils jugeront à propos de me faire. J'attends, d'ailleurs, un acte formel de compromis dans lequel les questions à l'Arbitre doivent être bien précisées, et ensuite le texte de l'Arbitrage qu'il s'agit d'interpréter, ainsi que les pièces et les Mémoires. Les Hautes Parties voudront me faire parvenir à l'apurement de ces demandes. Je désire que le délai qui sera fixé pour la solution de l'arbitrage ne soit moindre de six mois. Je crois que le meilleur choix pour organe de communication le Bureau du Gouvernement Britannique dans cette ville, qui a été chargé de me transmettre la dépêche de votre Excellence, ainsi que celle semblable de Portugal.

Veuillez, &c.,

Sir Clare Ford.

PAUL HONORÉ

No. 10.—The Earl of Kimberley to Sir Clare Ford.

SIR,

Foreign Office, 10th Nov.

I HAVE received your Excellency's despatch of the 2nd inst. containing Signor Vigliani's acceptance of the post of Arbitrator for the question of the Manica frontier.

I have to request your Excellency to convey to Signor Vigliani the best thanks of Her Majesty's Government for his undertaking this task, and to assure him that every attention will be paid to his wishes by them in concert with the Portuguese Government.

I am, &c.,

Sir Clare Ford.

KIMBERLEY

No. 11.—The Earl of Kimberley to Senhor de Sá.

SIR,

Foreign Office, 10th Nov.

I HAVE the honour to state that Her Majesty's Government are prepared to join with the Portuguese Government in the Arbitration Agreement to the effect that, whatever may be the decision of the Arbitrator selected by the two Governments in respect of the disputed portions of the frontier described in Article 11 of the Convention of 1891, the same shall be binding on both Governments.

the 11th June, 1891, there shall be no disturbance of
 o, at the date of the Award, may be in actual occupation
 the district, and have already commenced mining or other
 upon it; that is to say, in the case of British settlers or
 any other nationality to the west of 32° 30', and in that of
 e settlers or those of any other nationality to the east of
 st longitude along the line of the boundary comprised
 Chimanimani and the junction of the Sabi and the

shall, if requisite, be granted to such settlers. In the
 doubt as to the validity of disputed claims, the question
 referred to the Tribunal of Arbitration to be constituted
 9th Article of the Agreement of 1891.

I have, &c.,

Soveral.

KIMBERLEY.

—*Senhor de Soveral to the Earl of Kimberley.*—(Received
 November 12.)

MTE, *Londres, le 12 Novembre, 1894.*
 honneur d'informer votre Excellence que le Gouvernement
 et prêt à se joindre au Gouvernement Anglais dans un
 iproque afin que, quelle que soit la décision de l'Arbitre
 les deux Gouvernements à l'égard des portions en dispute
 tière décrite dans l'Article II du Traité du 11 Juin, 1891,
 ete les droits des colons qui à la date de la Sentence
 seront en occupation effective de terrains dans le district
 déjà commencé des opérations minières et autres, c'est-à-
 le cas de colons Portugais ou de quelque autre nationalité
 33° de longitude est, ou dans le cas de colons Britanniques
 quelque autre nationalité à l'ouest de 32° 30' le long de la
 frontière comprise entre Chimanimani et la junction du
 Lundu.

tres de propriété seront accordés à ces colons, s'ils en font

le cas de doute quant à la validité des concessions en
 a question sera référée au Tribunal d'Arbitrage, qui sera
 d'après l'Article IX du Traité du 11 Juin, 1891.

Je profite, &c.,

of Kimberley.

LUIZ DE SOVERAL

No. 13.—The Earl of Kimberley to Sir Clare Ford.

SIR,

Foreign Office, January 15, 1895.

I TRANSMIT to your Excellency herewith a Declaration, signed by the Portuguese Minister and myself, in regard to the *Manica* Boundary Arbitration.

A counterpart of this Declaration will be forwarded to the Portuguese Minister at Rome, and you should arrange with him for their presentation to the Arbitrator.

I am, &c.,

Sir Clare Ford.

KIMBERLEY.

(Inclosure.)—Declaration signed at London, January 7, 1895.

[See Vol. LXXXVII, page 71.]

No. 14.—Sir Clare Ford to the Earl of Kimberley.—Received January 29.)

MY LORD,

Rome, January 25, 1895.

ON receipt of your Lordship's despatch of the 15th instant, and after consultation with my Portuguese colleague, I addressed a note, copy of which is inclosed herewith, to Signor Vigliani, forwarding a copy of the Declaration respecting the *Manica* Boundary Arbitration.

I have now received Signor Vigliani's reply, copy of which I inclose.

I have, &c.,

The Earl of Kimberley.

FRANCIS CLARE FORD.

*(Inclosure 1.)—Sir Clare Ford to Signor Vigliani.**Ambassade d'Angleterre, Rome.*

M. LE SÉNATEUR,

le 22 Janvier, 1895.

J'AI l'honneur de vous transmettre ci-joint le *Compromis Arbitral* fait à Londres le 7 courant, et signé par les négociateurs respectifs.

Mon Gouvernement fait préparer les pièces que votre Excellence désire connaître, et je ne manquerai pas de vous les faire parvenir en temps opportun.

Veuillez, &c.,

Signor Vigliani.

FRANCIS CLARE FORD.

(Inclosure 2.)—*Signor Vigliani to Sir Clare Ford.*

AMBASSADEUR,

Florence, le 24 Janvier, 1895.

trouvé en parfaite règle la Déclaration ou l'Acte de Com-Arbitral, signé à Londres le 7 de ce mois par les Représen-s Gouvernements d'Angleterre et du Portugal, que votre ce m'a fait l'honneur de me transmettre par la dépêche du même mois.

devrais maintenant entreprendre l'examen de la question à mon arbitrage ; mais à cet effet, je dois attendre la com-ision des pièces que j'ai demandées et que les deux Gouverne-préparent, ainsi que vous me l'apprenez par votre dépêche

Aussitôt que votre Excellence me les aura envoyées, rai l'examen, en me réservant de vous prier ensuite de yer aussi le Délégué Technique dont votre Gouvernement éclaré prêt à me procurer la présence à Florence pour me les éclaircissements nécessaires à l'égard des territoires en n.

as cette attente, j'ai l'honneur, &c.,
re Ford.

P. H. VIGLIANI.

5.—*Sir Clare Ford to the Marquess of Salisbury.—(Received February 4.)*

ORD,

Rome, February 1, 1897.

HAVE the honour to inclose herein copy of a note which I eceived from Signor Vigliani, in which he informs me that on th ultimo he signed the Award he has given in the question Manica boundary which Her Majesty's Government and that tugal had agreed to submit to him for decision.

ave also the honour to inclose herein copy of the reply which rturned to Signor Vigliani, in which I informed his Excol-that I would at once communicate to your Lordship the ation of the arbitration proceedings in the Manica boundary on, and that I felt sure that Her Majesty's Government would y appreciate the pains and trouble he had taken in arriving at decision in a matter of so much importance to both Great a and Portugal.

should mention that my Portuguese colleague received last g a note from Signor Vigliani, which was drawn up in identic to the one which had been addressed to me, and that after him this morning we agreed that we should reply to Signor ni in similar terms.

have instructed Major Levenson to receive the official copy of

the Award destined for the British Government
Vigliani's hands. I have, &c.,

The Marquess of Salisbury.

FRANCIS CL

(Inclosure 1.)—*Signor Vigliani to Sir Clare*

M. L'AMBASSADEUR,

Florence, ce 30.

J'AI l'honneur d'annoncer à votre Excellence que
prononcer sous la date d'aujourd'hui la Sentence sur
la délimitation du Manica que les Gouvernements de
Bretagne et du Portugal ont bien voulu soumettre
trage.

La Sentence est expédiée en double original im
carte géographique contenant le tracé de la frontière
décision y est annexée.

L'original destiné au Gouvernement de la Grande
trouve auprès de moi à la disposition de votre Excell
personne que votre Excellence jugera convenable de
le recevoir. Les causes qui ont retardé le cours
indépendamment de ma volonté sont bien connues
Gouvernements sans que je doive en rendre compte.

Les questions que j'ai eu à décider étant bien pl
que juridiques, j'ai été obligé à me livrer à des ét
recherches étrangères à la science du droit. Je l'ai fai
grand soin. J'ai profité, à cet effet, des larges lumiè
été fournies par les honorables Délégués Techniqu
Parties; et puis, pour rassurer ma conscience en
désaccord, j'ai fait recours, avec le consentement de
vernements; à l'avis impartial et autorisé de M. le M
Vinaj, Chef de la Division Topographique à l'Inst
phique Militaire siégeant à Florence, que j'ai nommé t

Je tiens enfin à déclarer combien l'accomplissem
a été facilité par la coopération aussi empressée qu'in
M. le Marquis Alexandre Corsi, Professeur de Droit I
l'Université de Pise, que j'ai chargé, dès le comm
travaux, des fonctions de Secrétaire de l'Arbitrage.

Mon but suprême dans l'exécution du mandat q
l'insigne honneur de me confier a été celui de confor
possible ma décision aux principes de la vérité et de l
ma sentence, en atteignant ce but, aura l'heureux
raffermir les bons rapports entre deux États, anciens
qui sont appelés à s'entr'aider dans la noble mission
régions soumises à leur influence en Afrique, ma princi
sera satisfaite. En m'acquittant de ma mission je prie

vouloir bien exprimer à votre Gouvernement ma profonde
pour le témoignage de haute confiance dont j'ai été l'objet
aime à rapporter à la bienveillante considération dont jouit
patrie chez les peuples civilisés.

Veuillez, &c.,

Ford.

P. H. VIGLIANI.

(Inclosure 2.)—*Sir Olare Ford to Signor Vigliani.*

*Ambassade d'Angleterre, Rome,
le 1^{er} Février, 1897.*

ÉNATEUR,

eu l'honneur de recevoir hier la communication que votre
ce a bien voulu m'adresser en date du 30 dernier, m'in-
qu'elle avait prononcé le même jour la Sentence sur la
de la délimitation du Manica soumise à son arbitrage par
vernements de la Grande-Bretagne et du Portugal.

Gouvernement de la Reine, j'en suis sûr, ne manquera pas
ier comme elle le mérite cette communication, que je vais
atement porter à sa connaissance. Pour recevoir de votre
nce l'original de la Sentence et la carte géographique y
destinés à mon Gouvernement, je délègue à cet effet le
Leverson, qui se trouve actuellement à Florence.

me ferai un devoir d'exprimer à mon Gouvernement, selon
ésir, votre profonde gratitude pour avoir été choisi comme
dans une question d'aussi grande importance internationale.

Je vous, &c.,

Vigliani.

FRANCIS CLARE FORD.

No. 16.—*The Marquess of Salisbury to Sir Clare Ford.*

Foreign Office, February 8, 1897.

AVE received your Excellency's despatch of the 1st instant,
g copies of correspondence with Signor Vigliani on the
of the Manica Arbitration Award.

approve the terms of your note to Signor Vigliani.

I am, &c.,

re Ford.

SALISBURY.

7.—*Major Leverson to the Marquess of Salisbury.*—(Received
February 6.)

et.)

12, Park Lane, London, February 5, 1897.

AVE the honour to report that, at a meeting held at Florence
esday last, M. Vigliani handed to M. Martins, Secretary of the

Portuguese Legation at Rome, and to me, identic copies of seal and signature, of his Award with reference to boundary question.

In forwarding to your Lordship the copy destined to His Majesty's Government, I venture to make the following observations:—

The boundary submitted for arbitration, and dealt with in the Award, extends from the intersection of longitude 32° 30' Greenwich by latitude 18° 30' south to the junction of the Sabi and Lunte, situated approximately in longitude 32° 30' and latitude 21° 18' 30" south.

In the joint Declaration agreeing to arbitration ("Déclaration de promiss"), signed in London on the 7th January, 1895, by Sir James of Kimberley and M. de Soveral, this boundary is defined as consisting of three sections, of which the most northern extends southwards from latitude 18° 30' south to a point some distance from the Pass of Chimanimani.

In considering the Award, it will be convenient to divide this section into three portions, the first including the country between latitude 18° 30' south and the range on which stands Mount Venga, the second the country between this range and of which Mount Vumba forms the eastern extremity, the third the country south of the latter range.

The total territory in dispute in the first portion is 319 square miles, of which, by the Award, 277 square miles are allotted to Great Britain, while 42 square miles pass to Portugal. The frontier, as now determined, is almost identical with that referred to in the preamble of the Award as the modified line ("la ligne Britannique modifiée").

As regards the second portion (*i.e.*, that between Mount Venga and Vumba), the whole of the disputed territory, about 141 square miles, is allotted by the Award to Portugal.

Out of a total of 381 square miles in dispute in the second portion of the northern section (*i.e.*, south of Mount Vumba), 240 square miles have been allotted to the British sphere, and 141 to the Portuguese.

Of the 836 square miles in dispute in the whole of the second section, the boundary laid down in the Award leaves 517 square miles in the British sphere, and 319 to the Portuguese sphere.

The central section of the frontier is that with reference to which an Agreement was entered into between Captain d'Almeida in 1892. The Portuguese claim submitted to the

the northern portion of the line of this Agreement, but a very considerable modification in the south.

The Award confirms the Leverson-d'Andrade line in its entirety, the whole of the territory in dispute, about 250 square miles, to the British sphere.

The southern section, which extends from the central section to the junction of the Rivers Sabi and Lunte, Her Majesty's Award claimed as the boundary longitude $32^{\circ} 30'$ east until it was reached, while the Portuguese laid claim to the course of the Sabi throughout this section. The Arbitrator has affirmed the correctness of the British claim, whereby the whole of the territory in dispute, probably about 570 square miles, passes to the British sphere of influence.

In the following Table I have summarized the results of the

	Total Territory in Dispute.	Awarded to Great Britain.	Awarded to Portugal.
	Sq. miles.	Sq. miles.	Sq. miles.
Section ..	836	517	319
Section ..	250	250	..
Section ..	570	570	..
Total ..	1,656	1,337	319

Thus, out of a total of about 1,656 square miles, 1,337 square miles (55,680 acres), or more than four-fifths of the territory in dispute, have been adjudged to form part of the British sphere of influence.

The distance as the crow flies between the two extreme points of the boundary submitted to arbitration is about 200 miles, the length of the boundary between them as laid down in the Award exceeds 500 miles.

The map which accompanies this,* the territory which was in dispute is shown by red and blue washes indicating the portions awarded by the Arbitrator to belong to the British and Portuguese spheres respectively.

Her Majesty's Secretary of State for Foreign Affairs.

J. J. LEVERSON.

No. 18.—*Award of Signor Vigliani, Arbitrator on the Question of the Manica Frontier.*—Florence, January 30, 1897.

Nous, Paul-Honoré Vigliani, ancien Premier Président de la Cour de Cassation de Florence, Ministre d'État et Sénateur du Royaume d'Italie, Arbitre entre la Grande-Bretagne et le Portugal au sujet des questions relatives à la délimitation de leurs zones d'influence dans l'Afrique Orientale.

Vu la Déclaration signée à Londres le 7 Janvier, 1895,* par Lord Kimberley et M. Luiz de Soveral, qui contient l'Acte de Compromis dont la teneur suit :—

Le 11 Juin, 1891, un Traité a été signé entre Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes, et Sa Majesté Très-Fidèle le Roi du Portugal et des Algarves, lequel Traité déterminait la question des frontières de leurs possessions et de leurs zones d'influence dans l'Afrique Orientale et Centrale.

L'Article II de ce Traité contient la démarcation de la frontière au sud du Zambèze; c'est-à-dire, du point sur la rive de ce fleuve vis-à-vis de l'embouchure de l'Aroangoa ou Loangwa, jusqu'au point où s'entrecoupent la frontière du Swaziland et le Fleuve Maputo.

Des différends ayant surgi à l'égard de la signification de certaines phrases dans le dit Article, les deux Gouvernements ont décidé de recourir à l'arbitrage de son Excellence M. Paul-Honoré Vigliani, ancien Premier Président de Cour de Cassation, Sénateur et Ministre d'État du Royaume d'Italie.

Ils ne proposent pas, cependant, que l'arbitrage porte sur toute la ligne indiquée ci-dessus.

On peut considérer la frontière au sud du Zambèze comme divisée en trois sections :—

1. Du Zambèze jusqu'au 18° 30' de latitude sud.
2. Du 18° 30' de latitude sud jusqu'au point où le Fleuve Sabi et le Lunde, ou Lunte, se rencontrent.
3. A partir de ce point jusqu'au Fleuve Maputo.

Il n'est pas jugé nécessaire de soumettre à l'arbitrage le tracé des sections 1 et 3; les différends ne regardent que la 2^e section.

Les négociations ont eu lieu à Londres. Le texte du Traité fut rédigé en Anglais et paraphé par le Marquis de Salisbury, alors Ministre des Affaires Étrangères, et par M. de Soveral, Ministre du Portugal. Le Traité, ayant été comparé avec le texte paraphé à Londres, fut signé à Lisbonne par le Comte Valbom, Ministre des Affaires Étrangères du Portugal, et par Sir George Petre, Ministre de Sa Majesté Britannique à Lisbonne.

La partie de l'Article qui traite de la deuxième section de la frontière est conçue dans les termes suivants:—

“ De là ” (c'est-à-dire, de l'intersection du 33° de longitude est de Greenwich avec le 18° 30' parallèle de latitude sud) “ elle suit, vers le sud, la partie supérieure du versant oriental du plateau de Manica jusqu'au milieu du chenal principal du Sabi, et elle suit ce chenal jusqu'au point où il rencontre le Lunte. . . .

“ Il est entendu qu'en traçant la frontière le long du versant du plateau, aucune partie de territoire à l'ouest du 32° 30' de longitude est de Greenwich ne sera comprise dans la zone Portugaise, ni aucune partie de territoire à l'est du 33° de longitude est de Greenwich dans la zone Britannique. Toutefois, le cas échéant, la ligne sera détournée de manière à laisser Mutassa dans la zone Britannique et Massi-Kessi dans la zone Portugaise.”

Les termes en Anglais et en Portugais sont les suivants:—

“ Thence it follows the upper part of the eastern slope of the Manica Plateau southwards to the centre of the main channel of the Sabi, follows that channel to its confluence with the Lunte, whence it strikes direct to the north-eastern point of the frontier of the South African Republic, and follows the eastern frontier of the Republic, and the frontier of Swaziland, to the River Maputo.

“ It is understood that in tracing the frontier, along the slope of the plateau, no territory west of longitude 32° 30' east of Greenwich shall be comprised in the Portuguese sphere, and no territory east of longitude 33° east of Greenwich shall be comprised in the British sphere. The line shall, however, if necessary, be deflected so as to leave Mutassa in the British sphere, and Massi-Kessi in the Portuguese sphere.”

“ D'abi acompanha a crista da vertente oriental do planalto de Manica na sua direcção sul até á linha media do leito principal do Save, seguindo por elle até á sua confluencia com o Lunde, d'onde corta direito ao extremo nordeste da fronteira da Republica Sul Africana, continuando pelas fronteiras orientaes d'esta Republica e da Swazilandia até ao Rio Maputo.

“ Fica entendido que ao traçar a fronteira ao longo da crista do planalto, nenhum territorio a oeste do meridiano de 32° 30' de longitude leste de Greenwich será comprehendido na esphera Portuguesa, e que nenhum territorio a leste do meridiano de 33° de longitude leste de Greenwich ficará comprehendido na esphera Britannica. Esta linha soffrerá comtudo, sendo necessario, a inflexão bastante para que Mutassa fique na esphera Britannica e Macequece na esphera Portuguesa.”

Au mois de Juin 1892 les Commissaires des deux États ont tâché de tracer la ligne-frontière d'après les précitées ; mais un différend s'est élevé entre eux, le auquel ils ont référé à leurs Gouvernements. Des pourparlers ont eu lieu entre le Foreign Office et le Ministère des Affaires Étrangères de Lisbonne ; mais, toute entente ayant paru impossible, les deux Gouvernements ont décidé de recourir à l'arbitrage.

Ces pourparlers diplomatiques et les travaux techniques des Commissaires ont laissé la question de la démarcation dans la situation suivante :—

1. Pour ce qui regarde le territoire compris entre le parallèle et un point situé à une distance de quelque milles du défilé de Chimaninani, chaque Commissaire a proposé une ligne-frontière, et chaque Gouvernement a adopté la ligne proposée par son Commissaire ; d'où il s'est ensuivi une divergence de vues que n'a pas encore trouvé moyen de concilier.

2. Pour ce qui regarde le territoire compris entre un point situé à une distance de quelques milles au sud du défilé de Chimaninani et le 20° 42' 17" de latitude sud, le Commissaire Britannique et le Délégué du Commissaire Portugais, pour autant qu'ils ont été autorisés, sont convenus d'une ligne-frontière dont l'exécution par les deux Gouvernements, est resté inachevé.

3. Pour ce qui regarde le territoire qui s'étend du 20° 42' 17" de latitude sud jusqu'au point où se rencontrent les fleuves de Lunte, aucun projet de démarcation n'a été discuté par les deux Gouvernements.

Dans ces circonstances les deux Gouvernements se sont adressés à l'Arbitre de prendre en considération les données des comptes rendus des pourparlers, et les résultats des travaux techniques, d'apprécier les arguments des deux Gouvernements, de leurs opinions respectives, et de se prononcer sur la ligne qui devra séparer la zone d'influence Portugaise en Afrique de la Grande-Bretagne à partir du parallèle 18° 30' jusqu'au point où se rencontrent le Lunte et le Sabi.

En foi de quoi les Soussignés, dûment autorisés par leurs Gouvernements respectifs, ont signé la présente Déclaration et y ont revêtu du sceau de leurs armes.

Fait à Londres, le 7 Janvier, 1895.

(L.S.) KIMBERLEY

(L.S.) LUIZ DE

Après que nous avons accepté les fonctions d'Arbitre, nous sommes convenu entre nous et les deux Gouvernements que l'Arbitrage aurait lieu à Florence, notre résidence, et que les conclusions de l'arbitrage seraient rédigées en langue Française.

avons invité alors les deux Gouvernements à nous présenter de sa part un Mémoire contenant sa demande motivée avec des arguments à l'appui et avec une carte géographique contenant le tracé de la ligne-frontière réclamée par lui ; et nous nous sommes efforcés de les prier, après l'examen des pièces, d'envoyer auprès de leurs Délégués techniques chargés de nous fournir tous les renseignements et les explications utiles pour la pleine connaissance des faits et des lieux concernant les questions à décider.

Pour la rédaction des actes de la procédure et pour les autres besoins de l'arbitrage nous avons nommé notre Secrétaire M. le Comte Alexandre Corsi, Professeur de Droit International à l'Université de Pise.

Il a examiné le Mémoire présenté par le Gouvernement de la Grande-Bretagne le 16 Mars, 1896, avec cinq cartes, dont celle par la lettre (D) contient le tracé de la ligne de frontière proposée par la Grande-Bretagne.

Les conclusions de ce Mémoire sont celles qui suivent :—

1. Quant à la première section de la frontière contestée :

Que la ligne de partage des eaux qui s'étend entre le bassin du Congo et ceux du Pungwe et du Busi, laquelle ligne de partage des eaux a été proposée comme frontière par M. du Bocage, a été formellement rejetée pendant les négociations qui précédèrent la conclusion de la Convention.

Qu'un grand accroissement de territoire a été assigné au Portugal au nord du Zambèze pour le dédommager de l'abandon de ses prétentions à la ligne de partage des eaux.

Que le plateau mentionné dans l'Article II de la Convention Portugaise existe réellement à peu près tel qu'il est marqué sur les cartes publiées avant la conclusion de cette Convention, et que son escarpement oriental soit çà et là moins clairement marqué qu'on ne l'a alors supposé.

Que la demande de la Grande-Bretagne laisse le plateau, conformément à l'intention des négociateurs, dans la zone Britannique, et que la pente qui le rattache à la plaine dans la zone Portugaise.

Qu'en suivant le bord supérieur du plateau et en traversant les profondes ravins, la ligne réclamée par le Gouvernement de Sa Majesté Britannique est en harmonie avec le texte de la Convention et absolument celle prévue par les négociateurs Britanniques et Portugais.

Que le détour fait à Massi-Kessi par la ligne réclamée par le Gouvernement de Sa Majesté Britannique remplit pleinement les conditions requises.

Quant à la deuxième section de la frontière :

Que la ligne agréée par le Major Leverson et le Capitaine de la Mission est celle qui doit être adoptée.

Quant à la troisième section de la frontière :

8. Que, jusqu'au point où la frontière touche le qu'elle aille vers le sud entre les limites de longitude longitude 33° est de Greenwich.

9. Que la frontière sera également en accord avec l'esprit de la Convention, soit qu'elle suive le Sabi en aval, vu que ce fleuve sert uniquement de moyen pour arriver la frontière au confluent du susdit fleuve à un endroit choisi comme point fixe d'où la ligne continue à l'extrémité nord-est de la République Sud-Africaine.

Vu et examiné de même le Mémoire présenté le 16 au nom du Gouvernement Portugais avec un volume de et trois cartes, dont celle marquée par la lettre (C) continue de la ligne qu'il réclame.

Les conclusions de ce Mémoire sont celles qui suivent :

1. Que la frontière, depuis le parallèle de 18° 30' défilé de Chimanimani, doit suivre le tracé proposé par le Commissaire Portugais ;

2. Qu'à partir de Chimanimani, vers le sud, cette frontière doit suivre jusqu'à Mapungwana le tracé projeté par le Gouvernement Britannique et accepté par le Délégué Technique Portugais d'Andrade ;

3. Qu'entre Mapungwana et le parallèle de 20° 30' le projet de délimitation arrêté entre le Commissaire Britannique et le Délégué Portugais doit être rectifié, la frontière doit passer de Mapungwana par le Mont Xerinda vers la montagne sud du dit parallèle, entre les bassins du Zona et du Chinica ;

4. Que, n'existant plus de plateau au sud du parallèle de 20° 30', il semble juste et rationnel que, de ce parallèle, la frontière descende au Save par les Monts Mero et Zunone et passe au Lacati, suivant ensuite le cours du Save jusqu'à son confluent avec le Lunte.

Sur notre invitation les deux Gouvernements ont envoyé à Florence et mis à notre disposition leurs Délégués, savoir : Major Julian John Levenson de la part de la Grande-Bretagne et son Excellence le Conseiller Antoine Ennes et M. Alfred Freire d'Andrade pour le Portugal.

Les Délégués des deux Gouvernements, après avoir eu, le 18 Juin, 1896, communication réciproque de ces Mémoires et cartes relatives, dans une série de conférences qui ont eu lieu auprès de nous, et dont il a été dressé procès-verbal, nous ont exposé largement les circonstances et les arguments à l'appui de leurs Gouvernements respectifs ; et par leurs déclarations nous ont fourni les éclaircissements et les explications nécessaires et soigneuses et détaillées, que nous avons jugé utile de le

outes et les difficultés que la nature et la configuration du plateau montagneux et irrégulier de Manica opposent à l'application exacte et littérale du texte de l'Article II de la Convention du 11 Juin, 1891, au territoire qu'il s'agit de délimiter. Au cours de ces discussions nous furent présentées le 10 Juin, 1896, des "Observations sur le Mémoire Britannique" par M. d'Ennes et d'Andrade, et des "Notes sur le Mémoire Britannique" par Mr. Leveson, et puis encore des "Observations sur le Mémoire Britannique" par M. d'Andrade, aussi bien que quelques manuscrites produites d'un côté et de l'autre des deux Gouvernements, et des profils démonstratifs rédigés avant la clôture des conférences par M. d'Andrade, et une carte topographique présentée par M. Leveson pour modifier deux petites parties de la section de la frontière réclamée par son Gouverne-

ment, après la clôture des conférences, le 17 Août Mr. Leveson nous remit ses "Observations finales," de même que M. Freire de Sousa nous a fait parvenir sous la date du 21 Août, 1896, ses "Observations." Toutes les productions imprimées ont été notifiées au Secrétaire à chacun des Délégués, de manière que l'échange d'une pièce d'une partie à l'autre a été, autant que possible, simultané. Les manuscrits et les cartes ont été mises en même temps à la disposition de leur destination.

I.—*Questions Préliminaires.*

l'étude des documents et dans les discussions, des questions se présentèrent d'abord à notre examen. Elles se rapportent au texte du Traité du 11 Juin, 1891.

Résulte de l'Acte de Compromis que ce Traité fut rédigé en français et parafé le 14 Mai, 1891, par le Marquis de Salisbury, Ministre des Affaires Étrangères de la Grande-Bretagne, et par M. de Soveral, Ministre Plénipotentiaire du Portugal à Londres; qu'ensuite le texte Portugais ayant été comparé au texte Anglais parafé à Londres, il fut signé dans le même sens. Le texte Anglais et Portugais à Lisbonne par le Comte de Saldanha, Ministre des Affaires Étrangères du Portugal, et par Sir John Lubbock, Ministre de Sa Majesté Britannique à Lisbonne, le 11 Juin, 1891.

Les circonstances se trouvent confirmées par les Mémoires des deux Gouvernements. (Voir Mémoire Anglais, 1^{re} Partie, et Mémoire Portugais, page 43.) Il n'a été nulle part déclaré lequel des deux textes, l'Anglais ou le Portugais, doit être considéré comme l'original du Traité.

Il suit que chacun des deux textes contenus dans le Protocole

signé à Lisbonne le 11 Juin, 1891, peut aspirer à l'honneur d'être considéré l'original; tandis que le texte Anglais paraissant constituer proprement la première "Minute." En tout cas, on peut mettre en doute que chacun des deux doit servir à l'interprétation du Traité.

Au double texte de l'original on vient d'ajouter la version Française de l'Article II du Traité insérée dans l'Annuaire promis, l'usage de cette langue ayant été convenu pour l'arbitrage. Mais comme à la suite de cette traduction on y trouve reproduit le double texte Anglais et Portugais, même Article II, on doit croire que les Hautes Parties ont considéré cette version en tout point conforme au double original.

Néanmoins, l'emploi de deux langues dans la rédaction de l'acte pouvait facilement engendrer, ainsi qu'il est arrivé dans le monde scientifique à Lisbonne, des doutes et des discussions dans son interprétation; et cela a été une des causes principales de la nécessité de recourir à l'arbitrage (Mémoire Britannique).

On s'est demandé principalement: (1) quelle a été la dénomination de "plateau de Manica;" (2) quelle était la signification des mots "la partie supérieure du versant oriental" ou "upper part of the eastern slope"—"a crista da vertente oriental;" (3) qu'est-ce qu'on a entendu par le mot de "plateau," opposé aux mots de "pente" ou "versant;" (4) si ces deux mots "pente" et "versant" ont été employés comme synonymes, ou si "pente" est la surface (*table, terrasse, ou esplanade*) du plateau dit; quelle en est la *pente* ou le *versant*, et quel le *bord, la crête, ou le versant*; (5) si l'expression "vers le sud" de la version Française équivaut à celle de "southwards" du texte Anglais "direcção sul" du texte Portugais, et si ces trois expressions signifient la direction exacte du sud, ou simplement à *le sud* entre l'est et l'ouest; (6) enfin, si la phrase "suivre le fleuve" (du Save) signifie indistinctement suivre ce fleuve en amont, ou bien si elle doit nécessairement signifier *aval*.

Tous ces doutes, et les disputes dont elles furent l'occasion, ont eu leur retentissement devant l'Arbitre au moyen des Mémoires des deux Parties et dans les discussions de leurs Délégués. L'Arbitre peut heureusement affirmer que, après de loyales explications, toutes doutes désormais ont perdu toute importance.

En effet, les Parties ont été amenées par leurs Délégués à reconnaître que par la dénomination de "plateau de Manica" les négociateurs de la Convention de 1891, en laissant à ces définitions beaucoup plus restreintes des géographes, ont donné une signification bien claire et concorde de comprendre non seulement

Manica, borné par les fleuves Munene et Sucuwa, qui s'étend, au sud du Zambèze, depuis le confluent du Save avec le Lunte, savoir, la limite a été tracée par la Commission comme l'objet de discussion devant

le ce territoire, composé d'une ancien Plateau de Manica, que les dans les deux pays intéressés, à stipulé, ont appliqué la désignation de se rapportant soit au texte de l'Article II, négociateurs.

ement Portugais dans son Mémoire (page 70), avec qui l'honore, a fait cette déclaration :—

est donc incontestable que le négociateur Portugais avait le plateau ne terminait pas au parallèle de 19°; et si son 19 Avril ne l'eût prouvé avec assez d'évidence, la démonstration serait complétée par les instructions télégraphiques transmits plus tard au Ministre à Londres, et qui ont été dans le Livre Blanc de 1891, page 196, document No. 260. èce, à elle seule, tranche la question. 'Comme dernière', disait M. du Bocage, 'il convient de proposer encore : le plateau par le parallèle de 20°, en nous laissant à nous la méridionale.' Quel était ce plateau, qui atteignait le parallèle le dépassait encore vers le sud? Évidemment c'était celui de Manica, puisqu'il n'a jamais été question d'aucun autre, pendant des négociations."

une franche déclaration, qui se trouve raffermie dans le Portugais par d'autres observations et raisonnements grande valeur, ne permet plus de douter que le plateau de auquel se rapporté le Traité de 1891 n'est nullement le pays de Manica des anciens géographes, mais il embrasse les hautes terres comprises entre le parallèle 16° 30' et le confluent du Save avec le Lunte; c'est-à-dire tout l'ancien royaume de Manica réuni avec le plateau couvert d'herbe, et avec le plateau de 2,000 à 4,000 pieds au-dessus du niveau de la mer, qu'on trouve à la suite du plateau de Manica sur la Carte de M. Maund, et certainement sous les yeux des négociateurs (Mémoire portugais, § 20).

quant à la vraie signification de la phrase "partie supérieure" ou "upper part"—("a crista") du versant oriental, les Parties ont facilement tombées d'accord qu'elle ne peut avoir dans le autre sens que celui de la ligne, le long de laquelle, et d'une manière générale et bien marquée, le plateau commence à descendre vers le sud; où bien, c'est le bord supérieur qui sépare la table (ou

surface) du versant (ou pente) du plateau, et non pas la surface supérieure du versant du plateau au-dessus de la ligne de sa plus grande altitude. C'est précisément sur ce point que sur ce bord que la frontière doit être tracée. (Mémoire § 21, et notes du Délégué Britannique, § 19; Mémoires pages 71, 72, et 73). Le mot "il suit" ("it follows the panha") perdrait sa signification propre, si au lieu de tracer une ligne qu'on doit longer autant que possible, il se trouvait une zone susceptible, à son tour, d'être délimitée par d'autres lignes.

Cette interprétation, conforme certes à l'esprit de la Convention, identifie les deux textes et fait disparaître toute différence entre les expressions "upper part" et "crista" du versant; elle ne peut exprimer, et n'expriment en effet, autre chose qu'une ligne qui ne pourrait être que celle qui sépare la table de la pente du versant du plateau.

Les disputes sur la signification des mots: "plateau", ou "esplanade du plateau—bord ou escarpement" du versant ont été terminées par les définitions qu'on en a données, et ont été admises de part et d'autre.

Ainsi le Délégué Portugais, M. le Capitaine d'Almeida, a donné une exacte et complète définition applicable à tous les plateaux en ces termes: "Une vaste étendue domine d'une manière nettement définie, et sur un côté, les régions qui l'entourent, et qui est réunie par des versants dont l'inclinaison est plus forte que celle du plateau lui-même." Une définition semblable avait été proposée par le Délégué Britannique dans son Mémoire (§ 37) d'après l'illustre géographe M. Élysée Réclus. Et les autres géographes plus distingués dans cette matière ne s'en éloignent pas.

Il n'est donc pas nécessaire, d'après la géographie, que la surface du plateau soit une plaine unie et régulière, le nom semble l'indiquer. Mais elle peut être, et même souvent, inégale, irrégulière, accidentée, hérissée de pics et collines, traversée par des vallées, déchirée par des ravins, sillonnée par des fleuves et des rivières, dont quelques-unes ne sortent point de sa surface, ou table, d'autres se déversent sur des versants et sont nécessairement entrecoupées par des versants mêmes.

Telle est la configuration du plateau nommé de M. Réclus, connu comme un des plus irréguliers et des plus élevés. M. Réclus suivant la description de l'ingénieur Kuss, récemment cette région et à qui se rapportent aussi les cartes des deux Parties, nous apprend que c'est un *groupe* de plateaux ayant l'aspect d'un plateau (E. Réclus, "La Terre," vol. xiii, pages 618 et 619).

le plateau a sa *table* ou *esplanade*, et sa *pente* ou *versant*.
 accorde à appeler *table* ou *esplanade* tout le terrain qui,
 incliné et inégal à cause de l'existence de montagnes ou de
 maintient toutefois une hauteur à peu près constante et
 sur le niveau des terres environnantes, et où les eaux
 plus ou moins rapidement sur la surface plus ou moins
 dans leur direction naturelle pour s'y arrêter et former
 des lacs, ou pour se verser plus souvent le long des

considère comme *pente* ou *versant* du plateau (ces deux derniers
 ont été employés comme synonymes) tout le terrain fortement
 qui relie la table du plateau à la plaine adjacente. Le
 en effet, d'après sa définition plus correcte, pouvant être
 aussi d'un côté que de l'autre, il est évident qu'une inclinaison
 ne suffit pas à déterminer le commencement de la pente,
 qu'elle soit bien marquée et générale.

ne qui sépare la *table* du plateau de son versant, c'est-à-dire
 marque la fin de la table et le commencement de la
 du versant, prend le nom de "bord" ou "crête du
 Entendu dans ce sens, "la partie supérieure du versant,"
 de l'Article II du Traité, est un synonyme des mots "upper
 slope," ou "crista da vertente."

pression Anglaise "southwards," qu'on lit dans le même
 ne doit pas être entendue dans le sens qu'elle signifie
 ment la direction précise du sud, mais plutôt dans le
 de *direction du côté sud*, ou à peu près vers le sud. Dans
 elle est acceptée par les deux Parties et elle s'adapte par-
 au dit Article; d'après lequel la frontière depuis le
 18° 30' jusqu'au Sabi, resserrée entre le 32° 30' et le
 longitude, devant suivre les inflexions sinueuses du bord
 oriental du plateau, elle ne peut se diriger en ligne
 sud, mais elle doit se plier tantôt à sud-est, tantôt à sud-
 Voir Mémoire Portugais, page 82, et notes Leverson,

t à la dernière question, celle de savoir si lorsque dans une
 on de délimitation on dit: *suivre un cours d'eau*, on doit
 ment entendre: le *suivre en aval*, comme les deux Parties
 à se trouver en désaccord, nous nous réservons de la
 dans la dernière partie de notre décision.

t ainsi éliminé les questions que nous avons qualifié
 s, nous allons examiner les deux lignes de frontière
 s par chacune des Parties.

II.—*Conditions Générales de la Frontière suivant l'Arrêté* *Traité.*

Nous devons avant tout reconnaître quelles sont les limites établies par la Convention du 11 Juin, 1891, pour la délimitation du plateau de Manica.

L'Article II de cette Convention dispose que : la ligne partant de l'intersection du 33° longitude est de Greenwich et le parallèle 18° 30' de latitude—

(a.) Suit vers le sud la partie supérieure du versant oriental du plateau de Manica ;

(b.) Jusqu'au milieu du chenal principal du Sabi ;

(c.) Puis elle suit ce chenal jusqu'au point où il rencontre le versant oriental du plateau de Manica ;

(d.) En traçant la frontière le long de la pente du versant oriental aucune partie de territoire à l'ouest du 32° 30' de longitude de Greenwich ne sera comprise dans la zone Portugaise ; aucune partie de territoire à l'est du 33° de longitude est de Greenwich ne sera comprise dans la zone Britannique ;

(e.) Le cas échéant, la ligne sera détournée de manière à passer par Mutassa dans la zone Britannique et Massi-Kessi dans la zone Portugaise.

Le résultat final de la délimitation doit être, que tout le territoire, savoir la table ou l'esplanade, soit attribué à la Grande-Bretagne, toute la *pente*, ou le versant oriental, soit réservé au Portugal.

Cette règle fondamentale ne se trouve pas écrite dans la Convention, mais elle a été admise par ceux qui l'ont rédigé comme une conséquence naturelle et comme une condition essentielle de la délimitation, ainsi que M. le Marquis de Salisbury l'a déclaré par sa réponse nette et caractéristique dans sa réponse à M. de Soveral le 22 Avril 1891 : "Le plateau pour nous" (la Grande-Bretagne) "et la *pente* pour vous" (le Portugal).

Cette réponse a été transmise par M. de Soveral au Gouvernement du Portugal le 22 Avril à son Gouvernement, qui en a pris connaissance (Livre Blanc Portugais de 1891, page 188), et qui, non seulement n'a pas protesté contre cette proposition, mais il n'a pas manqué de donner des expressions qui prouvent qu'il avait des intentions nettes.

En outre, comme la Société Géographique de Lisbonne, quelques temps après, avait soulevé des doutes à cet égard, M. de Soveral, Commissaire Portugais pour le règlement des questions relatives à la Convention, s'est chargé de les dissiper dans une lettre qu'il adressa le 25 Janvier, 1894, au Président de la même Société (voir Mémoire Britannique, § 19) que : "de faire la partition du Manicaland de façon que la table ou l'esplanade, resterait dans la zone Britannique, tandis que la *pente* serait dans la zone Portugaise."

reste donc aucun doute que la formule " le plateau à la Bretagne et la pente au Portugal " a été clairement admise comme règle directive pour la délimitation du Manicaland selon le Traité de 1891.

Nous allons voir comment ces règles ont été appliquées et interprétées par les deux Gouvernements.

Comme nous avons dit de la configuration montagneuse et du relief du haut massif à qui on a donné le nom de plateau de Manica, et la circonstance que les personnages qui en réglaient les limites et de Lisbonne la délimitation n'en pouvaient avoir une connaissance bien vague et imparfaite, peuvent suffire à expliquer le grave désaccord survenu lorsqu'il s'est agi d'appliquer l'art. II du Traité à des terrains qui présentaient à chaque pas des surprises, des inconnues, et des conditions topographiques inattendues, signées de l'attente et de la supposition, soit des auteurs du Traité, soit de la Commission de Délimitation.

Un plus grand esprit de conciliation à peine aurait pu suffire à résoudre toutes les causes de divergence. Ce bon esprit, il faut le reconnaître, n'a pas fait complètement défaut; et on peut en remarquer des traces dans la partie, qui n'est pas petite, de la ligne de démarcation qui a été concordée entre le Major Levenson et le Capitaine l'Andrade. Toutefois le désaccord, malgré de longs pourparlers, subsiste dans la première et la plus importante partie de la ligne, ainsi que dans d'autres.

Il faut, si, pour résoudre tous les points de question qui ont surgi, nous suivons l'ordre indiqué dans l'Acte de Compromis. Nous commencerons donc la ligne-frontière soumise à notre arbitrage en examinant les sections, savoir:—

1. De l'intersection du parallèle 18° 30' avec le 33° longitude est jusqu'à un point situé sur ce méridien à une distance de quelques milles au sud du défilé de Chimanimani. Dans cette section chaque Gouvernement a adopté la ligne proposée par son représentant, sans en faire aucune réserve. Le Portugal n'a rien dit, mais il n'a pas saisi dans les travaux de délimitation et il l'a réclamé devant la Commission.

2. De l'extrémité méridionale de la première section jusqu'au point où le bord du versant du plateau coupe le 32° 30' longitude est Greenwich. Cette section, ayant été concordée entre les représentants des deux Gouvernements, la Grande-Bretagne demande qu'elle soit adoptée entièrement. Le Portugal n'accepte la ligne que qu'en partie; pour le reste il propose une nouvelle ligne. 3. Du point où termine la deuxième section, jusqu'au confluent du Save et du Lunde. Pour cette troisième section aucun accord de démarcation n'ayant été discuté entre les Parties, la Grande-Bretagne dans son Mémoire réclame une ligne qui irait vers le nord jusqu'au centre du cheual principal du Save et puis suivrait ce

chenal en amont jusqu'à son confluent avec le direction dans laquelle la ligne devrait être tracée la décision de l'Arbitre, mais elle ne devrait en aucun l'ouest le $32^{\circ} 30'$ et à l'est le 33° de longitude. Le Portugal cette ligne et en réclame pour des raisons spéciales qui, en s'écartant des règles établies par le Traité, irait jusqu'au Save.

Aucune carte géographique n'a été annexée au Compromis. Et, de notre avis, il n'y en a aucune qui adoptée comme preuve sûre et complète des intentions des négociateurs du Traité.

Pas même la carte publiée par M. Maund dans les *Transactions of the Royal Geographical Society*,” produite par l'Angleterre la lettre (A), et qui fait l'objet de sa troisième carte pourrait être considérée comme une carte reconnue exacte dans ses détails, pendant les négociations.

Enfin, pendant la procédure de l'arbitrage, on n'a pu avoir une carte qui ait été reconnue entièrement exacte par les deux Parties. Elles ont beaucoup discuté sur l'importance et l'exactitude des cartes; mais malheureusement ces discussions n'ont abouti à aucune conclusion bien arrêtée sur la valeur qu'on peut attribuer à l'une ou à l'autre dans les différents traits de la frontière.

C'est un inconvénient des plus regrettables; car, au lieu d'avoir une base solide et constante pour la discussion, nous sommes obligés de suivre minutieusement les deux Parties sur le terrain de la discussion qu'elles ont produit, et à rechercher, section par section, la vérité des cartes des négociateurs, pour les coordonner avec le texte du Traité avec les faits qui résultent établis par l'examen comparatif des cartes que nous avons fait de ces cartes différentes, et par les observations d'un tiers expert.

III.—*Première Section de la Frontière.*

En entreprenant l'examen des lignes réclamées par les deux Parties dans la première section, nous observons d'abord que cette section (qui est la plus importante et la plus contestée de la valeur qu'on attache à ce territoire), les deux Parties n'ayant réussi à se mettre d'accord, ni pendant ni après l'arbitrage des Commissaires pour la délimitation, ils réclament maintenant des lignes tout à fait différentes, et très éloignées l'une de l'autre.

En effet, la Grande-Bretagne réclame une ligne basée sur la définition donnée par le Commissaire Britannique dans le premier Mémoire du 29 Avril, 1893 (Mémoire page 38), “est en quelques endroits la ligne des crêtes des montagnes et en d'autres la ligne qui unit les sommets des pics

ui s'allongent vers l'est de la ligne principale de partage des plus spécialement, quant au trait entre le Mont Vumba etagnes Mabata, le Commissaire Britannique déclare que re "est une ligne courant presque directement vers le sud, nt les bords des contreforts montagneux qui s'avancent dans ction orientale." (Voir Procès-verbal, 27 Juin, 1892, dans le Mémoire Portugais, page 22.)

ontagnes principales que la ligne Britannique atteint depuis le 18° 30' sont celles de Panga, Gorongoe, Shuara, Vengo, ill, Vumba, un pic au nord du fleuve Mazongue (2,350 n autre pic sur le Mussapa R. (5,100 pieds), et le col de mani. Tous ces points de différentes hauteurs sont réunis lignes droites, que le Commissaire Britannique justifie par ction que les lignes droites entre des points naturels bien forment, à son avis, une bonne frontière pratique.

Commissaire Portugais objecte à cette ligne—

u'elle n'est pas une ligne naturelle, elle ne suit aucun bord ur le sol, ni un accident quelconque du terrain, qu'elle est tificielle, tracée à la règle sur la carte, et non d'après la u plateau.

u'elle n'atteint pas le sommet des montagnes où elle passe, raverse les bords des contreforts qui s'étendent à l'est plus asse générale du plateau, et par une conséquence nécessaire e sur le versant oriental.

u'en traçant les lignes droites qui lient des contreforts ou des montagnes ou des pics, elle coupe plusieurs cours d'eau, hes de ravins, et des vallées larges et profondes, comme celle amucarara; qu'aussi elle n'est pas continue, tandis qu'elle souvent sur le versant, et elle descend parfois aux terres otamment entre Vumba et Chimauimani.

u'une telle ligne ne peut pas être conforme à l'Article II du qui veut une ligne naturelle, tracée le long de la partie re, ou du bord du versant du plateau.

u'une ligne droite peut bien être abstraitement et en règle une bonne frontière pratique, mais elle n'est pas admissible cas qu'une autre direction soit déterminée par une Con-

u'enfin le détour que la ligne fait pour comprendre Massi- ans la zone Portugaise ne laisse pas autour de ce village, sprit de la Convention, un territoire suffisant au développe- sa vie commerciale et industrielle, ainsi qu'à sa défense

es que ces objections ont été produites, le Délégué Britau- par une carte qu'il a présentée dans la Conférence du et, et contresignée sous cette date, a introduit dans sa ligne

deux petites modifications, dont l'une élève sur le par le point de son départ pour monter au sommet septentrional du Mont Panga, et l'autre supprime Shuara et le Mont Vengo le détour vers Shiromiro qu pas justifié.

La ligne Portugaise suit une direction tout à Elle est tracée sur la crête des hautes montagnes le partage des eaux entre le bassin du Save et les bassin et du Busi, et partant du Mont Samanga elle suit le eaux jusqu'à Chimanimani. Le Commissaire Portu que cette ligne coïncide avec le bord du versant orienta la table, ou l'esplanade, resterait ainsi à l'ouest, et le v de la ligne de partage des eaux.

Il observe, en outre, que la frontière réclamée pa passe par les plus hauts points du plateau sans se plo vallées, ni les couper, ainsi que leurs rivières; qu'à ligne le terrain s'affaisse et de nombreux cours d'eau vers la plaine avec une rapidité parfois torrentiell justement la déclivité du sol et la direction des déterminent le commencement de la pente et le bord d

La Grande-Bretagne oppose à la ligne de parta les raisons suivantes :—

1. Elle a le vice de confondre la crête la plus élev avec le bord de son versant, en supposant qu'on ne pui bord que lorsqu'on arrive au sommet de ses plus b de montagnes; tandis que toutes les chaînes de m Manica, qu'elles soient tournées à l'est ou à l'ouest, f du plateau montagneux.

2. Le pays immédiatement à l'est de la ligne de eaux étant composé de chaînes de montagnes, et sill rivières et par des vallées profondes, suivant la nature montagneux, ne représente pas un versant, dont il caractères. Il est vrai qu'on y voit couler des cours moins rapides; mais la grande irrégularité et inégalité du plateau suffit à expliquer le cours plus ou moins rivières, et à démontrer qu'elles parcourent encore surface du plateau avant d'arriver au bord, qui néces entrecoupe. De même, comme il est question ici montagneuse, on conçoit sans peine qu'elle ait une cert avant d'arriver au commencement de la pente, ou au l'on ne doit reconnaître que par une déclivité bien générale.

3. Ce qui est plus essentiel, le partage des eaux con n'est nullement conforme au texte de la Convention, aucune mention, pas même indirectement. Le silence c

non sur un point si important à la plus grande valeur ; car il faut considérer que le partage des eaux est une ligne de frontière si usuelle et préférable dans un pays montagneux que, si les Hautes Parties avaient voulu l'admettre, elles en auraient fait une mention explicite, ainsi qu'elles l'ont fait dans l'Article I de la même Convention, où le partage des eaux est mentionné comme frontière en quelques points au nord du Zambèze.

Mais il y a plus que le silence de la Convention ; il y a refus formel de la Grande-Bretagne. Pendant le cours des négociations la ligne de partage des eaux fut proposée comme ligne de frontière par le projet que M. du Bocage, Ministre du Portugal, présenta le 19 Avril, 1891 ; et elle fut refusée par M. le Marquis de Salisbury, Ministre Britannique, qui insista sur son projet du 8 du même mois, contenant la proposition du bord du versant est comme ligne de frontière. Ce refus suffit à exclure la possibilité que M. le Marquis de Salisbury, au moment de la conclusion du Traité, ait considéré comme identiques la ligne de partage des eaux et le méridien 33°. Car entre ces deux lignes (quelle que soit l'idée exprimée par méprise dans la dépêche de Lord Salisbury du 4 Février, 1891) il existe une distance de plusieurs milles.

En sorte que le Portugal invoque inutilement les expressions contenues dans ce document, d'autant plus qu'il a repoussé la proposition de suivre approximativement le 33° degré de longitude est, qui était l'objet principal de la conversation rapportée dans la dite dépêche du 4 Février.

Il faut observer, en outre, que c'est précisément pour assurer à la Grande-Bretagne la bande de terrain entre la ligne de partage des eaux et la ligne du bord du versant oriental que Lord Salisbury a porté de 18,000 à 60,000 kilom. carrés la compensation ou le dédommagement proposé au nord du Zambèze au Portugal, qui l'a accepté (Mémoire Britannique, No. 17).

4. Si on admet avec le Portugal que toute la partie du plateau de Manica qui se trouve à l'est du partage des eaux soit un versant *oriental*, on doit également appeler versant *occidental* la partie située à l'ouest de cette ligne de partage, vu qu'elle coupe en deux la table montagneuse qui s'étend aussi bien à l'ouest qu'à l'est. Il en résulterait la conséquence absurde que le plateau de Manica n'aurait point de table, puisqu'elle serait absorbée par les deux versants.

Le Portugal a toujours fondé sa défense sur l'existence d'une grande étendue de terrain à l'ouest de la ligne de partage des eaux, se rapportant à ses cartes qui présentent la Rivière de l'Odzi dans le Détroit de l'Umtali (Mutari Port) à la distance de 40 kilom. de cette ville. Mais au cours des discussions M. le Major Leverson a fait constater, et M. le Capitaine Andrade n'a pu contester, que l'Odzi n'est séparé de l'Umtali que par une distance à peu près de

15 kilom. (Observations finales de M. le Major Lever No. 7.)

L'étendue du plateau à l'ouest de la ligne de partage n'est pas aussi considérable, et cette ligne n'est qu'une crête de plateau, dont la table doit nécessairement s'étendre de la même manière aussi bien à l'est qu'à l'ouest.

IV.—*Examen du Rapport du Tiers Expert.*

En présence d'un tel désaccord sur l'intelligence et l'usage des cartes présentées par les deux Parties, en vue des arguments d'un caractère essentiellement technique l'une en déduisait—tous nos efforts pour rendre l'arrangement amiable étant restés sans effet—pour notre conscience nous avons reconnu l'extrême besoin de recourir, avec le consentement des deux Parties, à un Expert spécialement compétent en matière de géographie topographique.

A cet effet nous nous sommes adressés à la Direction Géographique Militaire d'Italie, siégeant à Florence, et la proposition qu'elle nous a faite nous avons nommé le Chevalier Raphaël Vinaj, Major d'État-Major, Chef de la Section Topographique du dit Institut. Nous lui avons communiqué les pièces et les cartes présentées au nom des deux Parties, ainsi que les procès-verbaux des Conférences, et nous lui avons soumis les questions suivantes :—

Quelle est, depuis l'intersection du parallèle 18° 30' de latitude nord et de longitude est de Greenwich jusqu'au col de Chimani, la ligne de frontière qui suit la partie supérieure du versant du plateau de Manica selon l'Article II du Traité de Madrid du 11 Juin, 1891 ? Est-elle en tout, ou en partie, la même que sur la Carte (D) du Gouvernement Britannique ? Est-elle en tout, ou en partie, la ligne tracée sur la Carte (C) du Gouvernement Portugais ? Est-elle en tout, ou en partie, une autre ligne ?

Dans ce dernier cas, quelle est la ligne qui, par rapport à l'autre des dites cartes, devrait être tracée pour être conforme à l'Article II du Traité du 11 Juin, 1891 ?

En lui proposant ces questions, par notre lettre du 10 Mars 1896, nous l'avons invité à tenir présent ce qui suit :—

1. Que la ligne de partage des eaux, ayant été proposée par le Portugal et refusée par la Grande-Bretagne pendant les négociations, et n'ayant pas été admise dans le texte du Traité, ne pourrait être approuvée comme ligne de frontière établie par les Hautes Parties, si ce n'est que, et pour ne pas en résulterait qu'elle coïncide avec la partie supérieure

oriental et avec les autres prescriptions de l'Article II du Traité.

2. Que par les documents échangés pendant les négociations il résulte avoir été consenti par les Hautes Parties que la délimitation se fit de manière que, suivant l'expression de Lord Salisbury, le plateau restât à la Grande-Bretagne et la pente au Portugal.

L'Expert ayant soigneusement rempli son mandat, en date du 19 Décembre, 1896, il nous a remis un Rapport qui nous a prouvé combien étaient fondés les doutes que nous avions conçus sur la justesse de chacune des lignes réclamées, eu égard au texte du Traité et aux intentions déclarées des Parties.

Nous croyons devoir en rendre compte en détail pour en apprécier les conclusions.

Après avoir examiné avec la plus grande diligence les divers caractères que peuvent avoir les plateaux, les versants supérieurs et inférieurs (appelés par les géographes *couchés ou debout*) et leurs escarpements, et les différentes acceptions de ces mots dans la science, dans l'étude pratique des terrains et dans les actes soumis à l'arbitrage, M. le Major Vinaj pose comme base de son vote les quatre postulats, ou principes géographiques, qui suivent :—

1. La partie supérieure, ou *table* d'un plateau, ainsi que, dans le sens le plus large du mot, l'envisagent les géographes modernes, peut réussir d'autant plus irrégulière, qu'elle est plus étendue, c'est-à-dire, qu'elle peut comprendre des pics, des montagnes, et des chaînes montagneuses, et être sillonnée par des vallées, et même par de profonds ravins.

2. La séparation entre la partie supérieure, ou *table*, d'un plateau et ses versants (pris dans le sens des surfaces qui unissent le plateau à la région basse, c'est-à-dire, cette partie du versant général qui est distinguée par le nom de *versant debout*) peut en général être constituée par une ligne (bord, ou crête plus ou moins marquée) à partir de laquelle le terrain s'affaisse plus rapidement et d'une manière bien définie vers la région inférieure.

3. Cette ligne peut être discontinue à cause des vallées, ou des ravins, produisant de vraies entailles, qui seraient le prolongement de celles, ou de ceux qui sillonnent le plateau.

4. La surface qui constitue le versant n'est nécessairement toujours unie et régulière, mais elle peut aussi être composée de terrains divers, formés soit par des chaînes transversales au cours longitudinal du bord du plateau, soit par des vallées et chaînes parallèles, qui s'abaissent toutefois graduellement; et cette variété de versants réguliers ou irréguliers peut se trouver dans le même plateau, notamment s'il a une étendue considérable.

Ensuite M. le Major Vinaj, passant à examiner les questions qui lui ont été adressées, adopte sur la première question les conclusions,

qu'il dit concordes, des deux Commissaires, d'après frontière doit suivre la ligne qui constitue le bord, qui indique la séparation de la table du plateau de oriental.

C'est dans la recherche de cette ligne de séparation désaccord entre les deux Commissaires se manifeste. examiner partie par partie les deux lignes réclamées qui justifient cette opinion ayant été longuement développée, il se borne à résumer celles qu'il juge les plus graves.

A l'égard de la ligne Britannique modifiée, il observe son premier trait à partir du $18^{\circ} 30'$ jusqu'au Mont dernier trait tout près de Chimanimani, elle est ligne artificielle, qui n'est justifiée que par la préférence du Commissaire Britannique accorde aux lignes droites naturelles bien définies.

Mais cette préférence n'ayant pas été consacrée par un traité qui aurait été autorisé par l'Article VII du Traité, on doit à voir si elle est conforme à son Article II. Et il est évident qu'elle ne l'est pas, parce qu'elle ne suit aucun accident topographique, tel que le bord du versant; mais joignant ensemble des points qui s'avancent, parfois considérablement, sur le versant qui s'abaisse et forme le versant, elle coupe souvent le versant et descend même quelquefois dans la région qu'on appelle les terres basses au-dessous du plateau. Il en déduit, que la ligne Britannique entre le Mont Venga et la hauteur signée par 5,100 pieds sur la rive gauche du Petit Mussapa (Carte Portugaise) n'est pas conforme à l'Article II du Traité.

Quant à la ligne Portugaise, l'Expert remarque constamment dans son parcours, exceptée la partie au nord (voir les procès-verbaux des Conférences du 13 et 14), qu'elle est la crête d'une chaîne qui forme le vrai partage des eaux dans la région de cette section. En général, le bord d'un versant coïncide point avec la ligne de partage des eaux, ainsi qu'il résulte de la définition même du plateau qui a été donnée par M. d'Andrade (voir ci-dessus le § 1, questions préalables), dans le cas que, depuis la ligne de partage des eaux, le terrain s'élève d'une manière marquée et presque uniforme, ou bien qu'il s'abaisse graduellement même avec des courts éperons détachés, des chaînes et des vallées parallèles, vers les terres basses.

Or ces conditions, d'après l'examen attentif des levés topographiques expédiés Anglais et Portugais, ne se trouvent qu'en deux seuls traits, savoir, autour du bassin où se trouve le Kessi, et entre Inyamatumba et un point situé près l'ouest du Mont Guzane (Carte Portugaise) sur la rive du Petit Mussapa.

chaîne du partage des eaux, qui est plus élevée particulière-
 dans la partie méridionale, comprend dans son ensemble
 toujours les altitudes plus prononcées du pays, et à l'excepti-
 des deux traits mentionnés ci-dessus elle est entourée, non
 à l'ouest, mais à l'est, par un terrain d'une élévation
 variable, surtout dans sa partie septentrionale au-dessus du
 Tenga, où se trouvent réellement les cimes les plus hautes.

prétention de tracer la délimitation, pour toute l'étendue de
 section, précisément sur la crête de partage des eaux, ne
 pas conforme à la définition du plateau et du versant donnée
 le Capitaine d'Andrade, car on arriverait à considérer comme
 tout le terrain qui est incliné dans le même sens; tandis
 suivant cette définition, la table du plateau peut être inclinée
 bord du versant ne commencer que là où l'inclinaison du
 devient bien marquée et générale.

on ne peut soutenir que cette crête coïncide, dans toute la
 , avec le bord du versant oriental; parce que dans sa plus
 partie, immédiatement après la crête, il y a, aussi à l'est, une
 assez douce qui, à un certain point dans sa descente, devient
 beaucoup plus raide (Monts Vumba-Inyamatumba), et qui constitue
 ce que le Colonel de la Noë ("Les Formes du Terrain,"
 1888) a appelé *versant debout* ou inférieur, par opposition au
couché ou supérieur, qui fait encore partie de la table du
 u.

la ligne Portugaise donc ne correspond non plus dans son
 ble au texte de l'Article II du Traité.

nsi, arrivé à l'examen de la dernière question, M. l'Expert, à
 d'une suite de profils équidistants de 2' 30' tracés, au mieux
 le, sur les cartes, et tout en observant qu'il lui manquaient des
 nts nécessaires pour cette espèce de travaux, il démontre que
 ne conforme au Traité est en partie différente des deux lignes
 nées par chacun des Gouvernements, il la devise en quatre
 s, et il la trace ainsi qu'il suit:—

1^{re} Partie.—En partant du parallèle 18° 30' sud, près du con-
 du Garura avec l'Honde, qui correspond à l'étroite gorge
 le Mont Mahemasemika et le contrefort septentrional du
 a dans la Carte Britannique, et précisément au-dessous de la
 de 760 m. signée un peu au-dessus du dit parallèle dans la
 e Portugaise, la ligne remonte au sommet du dit contrefort
 'au Panga. Puis, suivant la Carte Britannique, elle se dirige
 le sud-est (cote de 3,890 p.) en traversant la Rivière
 mucarara jusqu'à la hauteur de la cote 6,740 p. au nord du
 ngoe, tandis que, suivant la Carte Portugaise, elle va du
 a vers sud-est (cote 1,257 m.) en traversant l'Inhamucarara
 'à la hauteur au nord du Gorongoe (cote 1,810 m.). De là elle

suit la crête du Gorongoe par le Mont Shuara (cote 5 jusqu'au Mongo ou Vengo (C. P. et B.).

Cette partie de la section se justifie observant que l'Honde, depuis ses sources jusqu'à la gorge bien marquée par les contreforts de Mahemasemika au nord et du Pangwa au sud, est une partie du plateau, parce qu'il a une altitude générale et il est environné par un terrain assez étendu et évidemment partie du plateau. La gorge d'où sort l'Honde peut être considérée comme une vraie entaille du bord du plateau, laquelle le versant descend par une pente presque uniforme vers la région de la Rivière Pungwe.

En descendant à l'est de la ligne Portugaise il y a une pente générale, mais le terrain, après un certain espace, remonte vers la région très élevée du Pangwa et du Gorongoe, donc seulement au delà de cette montagne que commence le versant oriental du plateau avec une pente assez raide.

Les massifs du Pungwa-Panga et du Venga-Shuara ne peuvent pas être regardés comme des chaînes partielles de la partie intégrale du versant oriental, puisque leur haute importance, ainsi que l'élévation générale des terres qui les entourent, que ces montagnes renferment, indiquent évidemment qu'ils appartiennent encore à la surface du plateau.

Et en effet la haute vallée de l'Inhamucarara, renfermée entre ces deux chaînes, ne peut être considérée comme un versant oriental, attendu que, indépendamment de la pente générale, par son lit étroit et peu praticable, elle a l'apparence d'une vraie et profonde entaille de la table du plateau. La direction nord-nord-est est bien différente de celle orientale.

L'objection que cette ligne part d'un point très éloigné du parallèle $18^{\circ} 30'$, et que ce point de prime abord ne se trouve pas sur le bord ou la crête qu'on cherche, n'a pas de valeur. Ici le hasard a voulu que le parallèle $18^{\circ} 30'$ corresponde à une des plus fortes entailles qui puissent rendre le versant discontinu.

2^e Partie.—En partant du Mont Venga, elle se dirige vers la crête qui va vers le nord-ouest-ouest et vers la cote 1,620 m. du Gomoriyangani (C. B.), ou à l'est de la cote 1,620 m. (C. P.). De là, se tenant à la Carte Britannique, elle passe par la colorée en bleu, qui longeant la crête du dit Gomoriyangani, le Mont Snuta (cote 5,570), le Mont Chenadombue (cote 4,510), la hauteur de la cote 4,510, jusqu'aux sources du Menin, marqué le col par la cote de 3,750, et où passe le chemin avec le nom "Selous Road;" tandis que, se tenant à la Carte Portugaise, elle suit la crête du Mabonde, atteint le Mont Lapulare (cote 1,600), le Chitumbo (cote 1,530), et pa-

jusqu'au point où se détache vers l'ouest le contrefort mazire. De ce point, faisant un arc de cercle avec la s à peu près vers le nord-est, elle rejoint le contrefort qui e Mont Vumba (ou Serra-Chitumba de la C. P.), coupant la llée du Munene ou Menini.

e partie est ainsi motivée. Elle contourne la région de essi depuis le Mont Venga jusqu'au Mont Vumba, laissant ns la zone Portugaise les hautes vallées du Révué, du , et du Menini, qui, étant plus ouvertes et séparées par des rts étroits avec une pente plus raide, font partie du versant

contreforts entre le Révué et son affluent le Chua, celui qui he du Chenadombue et finit au Saddle Hill (C. B.) ou Maritza et celui du Clarke's Hill, peuvent être classés parmi les con- mentionnés dans le 4^e postulat ci-dessus rapporté, et doivent tie du versant.

a la ligne proposée, partant du col signé par la cote 3750 sur Britannique, se porte vers le Vumba, parce que à sa droite, ud de la vallée du Menini, commence un tel rehaussement du terrain qu'il faut le considérer comme appartenant au

Partie.— En partant du Vumba la ligne fait plusieurs in- afin de suivre vers le sud la crête de la pente plus raide; pe les hautes vallées du Zombi ou Zombe, du Mazongwe ou elle atteint le Mont Matura à la cote de 4,495 p. (C. B.), ou trigonométrique qui est marqué sur la Carte Portugaise à la e de 2,500 mètres à l'ouest de la cote 596 m. en continuation erra Chaura, et ensuite elle va couper les hautes vallées du ene et Pambe, ou Inhamatoca, du Litanti ou Bonde, et de angwene jusqu'à l'extrémité orientale du Mont Inyamatumba te de 4,650 p. (C. B.), c'est-à-dire, jusqu'au sud-ouest du (C. P.).

te partie de la section est justifiée par l'observation qu'entre la ligne Portugaise est compris tout le haut terrain qui com- un peu au sud du Menini, et dans lequel se trouvent les vallées et les surfaces d'écoulement des torrents déjà cités, et e partie sans doute de la table du plateau, tandis que tout au e cette ligne il y a un échelon ou changement sensible raison, qui indique le vrai bord d'où commence le versant l proprement dit. En observant attentivement la Carte aique (D) on aperçoit facilement la différence caractéristique rain situé entre les cours d'eau du Zombi, Mazongwe, ene, &c., et celui compris entre les étroits contreforts du Hill et du Clarke's Hill, entre le Révué, le Zambusi, et le , qui appartiennent au versant.

4^e Partie.—Depuis le Mont Inyamatumba, la ligne, le contrefort de ce massif vers l'ouest, va rejoindre la ligne Portugaise, et la suit le long du Mont Kokoboudi Choanda (C. P.) jusqu'à la cote 1,500 mètres (C. P.), et nord-ouest de la cote 5,100 pieds (C. B.). De ce point vers l'est, elle va couper la haute vallée du Petit Mussapa le Mont Guzane (C. P.) pour rejoindre, en écornant la ligne Anglaise, le 33^e longitude est de Greenwich, jusqu'à Chimanimani, après avoir dépassé le Grand Mu

Cette dernière partie de la ligne proposée est justifiée :—

Les mêmes raisons par lesquelles le Rév. le Z. Menini ont été reconnus comme des cours d'eau du versant à juger que le Mangwingi (C. B.) ou Munhinga (C. P.) est un cours d'eau du plateau. On doit en dire autant des torrents plus au sud jusqu'au Petit Mussapa, ce dernier que la vallée supérieure du Petit et du Grand Mussapa dans une région qui est beaucoup surélevée, et qui est un plateau de l'aveu même des deux Parties.

La ligne, une fois arrivée au méridien 33^e, le suit selon la prescription de l'Article II de la Convention, qui la ligne dépasse ce méridien au profit de la Grande-Bretagne.

Le savant et diligent Rapport de l'honorable Expert en relief tout ce qu'il y a d'irrégulier dans les lignes des Gouvernements, et, en les rectifiant, il nous a proposé la ligne, qui, ayant été par nous examinée avec le plus grand soin comparée avec celles des deux Parties, nous paraît la plus équitable que nous avons toujours entrevu dans chacune d'elles nous ont empêché de nous prononcer pour l'une ou pour l'autre.

Nous avons en effet dans la proposition de l'Expert une ligne naturelle, qui dans son cours tortueux se conforme, autant que possible, à la configuration montagneuse du plateau, aux hauteurs qui le dessinent, et qui en forment le versant. Elle longe la partie supérieure ou le bord de ce versant. Elle est ainsi que les cours d'eau et les vallées qui par l'élévation doivent faire partie de la table du plateau; et elle laisse les autres d'un niveau inférieur et d'une inclinaison plus douce.

Ajoutons que cette ligne fait une juste application de la Convention, puisqu'elle n'adopte comme frontière le partage des eaux n'est dans les endroits où il est constaté qu'il coïncide avec le bord du versant, ce qui est conforme à la lettre et à l'esprit de l'Article II.

Ainsi nous voyons que dans son ensemble cette ligne est ni sur la surface du plateau, ni sur celle de la pente, ni rempli, autant que l'irrégularité du Manica le com-

que les cartes produites le permettent, le but final de la mission, résumé dans les mots "le plateau, à la Grande-terre et la pente au Portugal."

Autre, cette ligne laisse dans la zone Portugaise toute la région de Massi-Kessi, suivant les sommets de cette espèce de montagnes, que la nature semble avoir établi comme une limite territoriale, et comme un rempart vers l'ouest.

Les aspirations du Portugal à cet égard n'avaient dans le texte été une garantie suffisante, et les intentions des négociateurs n'ont pas été manifestées assez nettement pour servir de base à une décision judiciaire. Mais nous avons néanmoins reconnu que ces intentions trouvent leur fondement dans une correspondance entre une ligne tracée par la nature et les inspirations de l'Expert.

Sur toutes ces considérations la ligne proposée par l'Expert semble présenter tous les caractères que l'Article II exige dans la ligne entre les zones d'influence des deux pays, et nous la seule conforme à la lettre et à l'esprit du Traité. Par conséquent nous serions disposés à l'adopter dans son ensemble avec pleine conviction.

En conséquence nous avons réfléchi que le tracé de la ligne proposée par l'Expert, depuis le Mont Vumba jusqu'à l'Inyamatumba, bien qu'il soit techniquement exact, toutefois—par ses nombreuses sinuosités et par la difficulté d'en préciser le cours sur des cartes si défectueuses, soit par leur échelle trop petite, soit pour le genre de terrain aussi irrégulier, à des doutes et à des divergences qui méritent d'être soigneusement prévénir.

En conséquence nous avons jugé convenable d'inviter le même Expert à nous indiquer dans cet endroit une ligne mieux marquée et plus précise.

Durant notre invitation, dont il a reconnu l'opportunité, l'Expert nous a signalé de légères modifications à introduire dans la ligne proposée, en substituant quelques lignes presque droites et mieux adaptées aux inflexions naturelles du bord du versant, de manière à représenter la véritable configuration du terrain qui revient à chacune des Parties, par la substitution des lignes droites à la rigoureuse démarcation du bord, de sorte que la ligne proposée soit presque équivalente.

En conséquence, que du Mont Vumba la frontière soit une ligne droite jusqu'à un point trigonométrique qui se trouve à environ 5 kilom. à l'est du partage des eaux (Serra Chaura), et de là elle continue en ligne droite jusqu'à la hauteur signée par 4,650 à l'extrémité orientale de l'Inyamatumba. De là elle descendrait cette montagne et se rattacherait ainsi à la ligne déjà proposée.

Ces modifications nous ayant paru correspondre au plus facile, plus pratique et mieux déterminée la délimitation, y avons conformé notre décision.

Suivant la division tracée dans le Compromis, nous pourrions compléter la première section de la frontière Chimanimani la frontière continue à suivre, sans changer le méridien 33° jusqu'au point signé A sur la Carte B, à quelques milles au sud du défilé de Chimanimani.

V.—Deuxième Section de la Frontière.

L'Acte de Compromis nous apprend que sur la section de la frontière il est intervenu un accord entre le Commissaire Britannique, et le Capitaine d'Andrade, Commissaire Portugais, sur les lieux mêmes qu'ils ont délimités.

Cet accord est constaté dans les Mémoires que les deux Gouvernements nous ont présentés : mais avec cette différence, que le Gouvernement Britannique le maintient et il en réclame l'adoption ; tandis que le Gouvernement Portugais, s'oppose à l'adoption ; l'Article 15 du Règlement pour les travaux de délimitation du Mozambique le 24 Octobre, 1891, par les Commissaires des deux pays, soutient que l'acceptation de l'accord signé par le Capitaine d'Andrade, Délégué Technique, ne pouvait être obligatoire pour lui que moyennant son approbation, donnée avant l'arbitrage.

En effet, ce n'est que dans le Mémoire présenté à l'Arbitrage le Commissaire Portugais a déclaré que le Portugal approuve l'acte de Leverson-d'Andrade *seulement en partie*, savoir, depuis le point A jusqu'à Mapungwana (Mémoire Portugais, page 98).

A l'appui de cette approbation partielle le Commissaire Britannique observe que dans la partie qu'il a acceptée, la délimitation est rigoureusement conforme à l'Article II du Traité de 1891, parallèle 20° à peu près ; qu'au sud de ce parallèle, le parallèle 20° 30' de latitude environ, le relief du sol devient irrégulier qu'il est très difficile d'y appliquer le principe de l'Article II ; que la table et le versant du plateau y sont caractérisés, à cause de l'irrégularité du régime des eaux ; l'absence de lignes générales bien nettes dans la configuration du sol, qu'il est presque impossible de déterminer avec précision la ligne qui les sépare, c'est-à-dire, le bord du versant. Seulement par esprit de conciliation, d'après lui, on ne pose des questions bien graves qui se présentent dans la délimitation que "le terrain se prête à être compris de différentes manières" (Mémoire Portugais, page 93). Enfin, dans cette pa-

e, de l'avis même de ceux qui l'ont tracée, ne suit point la versant (voir Observations sur le Contre-Mémoire Britannique. 32 et seq.); en sorte qu'on n'a appliqué ici les règles de II qu'autant qu'il était possible.

autres termes, bien que cette démarcation ne soit peut-être heureuse, le Gouvernement Portugais reconnaît que le pays, trait, n'en admet pas une autre dont l'exactitude soit moins ble.

il pense qu'on ne puisse en dire autant du prolongement de depuis Mapungwana jusqu'au parallèle $20^{\circ} 42' 17''$, et c'est il refuse cette dernière partie de l'accord, et il propose d'y er une ligne nouvelle qui suivrait les montagnes Xeriuda Mont Zuzunye, et qui, touchant les hauteurs de 990, 1,150, mètres qui séparent le bassin du Zona et du Chinica, serait ment déterminée par le relief orographique. Cette ligne, e Portugal (Observations sur le Mémoire Britannique, , évite le détour inutile de la ligne concordée, qui de uana court vers le sud-est, à travers l'Inhamazi, pour se e une hauteur de 1,100 mètres, et descendre ensuite à des 670 et 760 mètres. Et tandis qu'elle est presque rectiligne, erve une altitude moyenne de 1,110 mètres, et une régularité nde que la ligne concordée.

Gouvernement Britannique, ainsi que nous l'avons dit, t en tout l'accord d'après lequel la ligne, arrivée à uana (point signé *H* sur la C. B.), fait un angle aigu se vers le sud-est, et va droite à une colline bien marquée u fleuve Zoma ou Zona, et puis se prolonge jusqu'à un point la chaîne qui sépare la vallée du Zoma de celle du Sheneyka ici, et enfin se dressant presque directement vers l'ouest ligne droite au sommet du Mont Zuzunye.

re l'adoption de la rectification réclamée par le Portugal, la Bretagne oppose deux objections, l'une juridique et l'autre e.

ception juridique consiste dans le caractère spécial de l'accord n-d'Andrade. Il est admis d'un côté et de l'autre que cet représente dans son ensemble une transaction discutée et sur le terrain même, et moyennant des concessions es, par des techniciens qui avaient acquis la connaissance x, et qui étaient bien compétents pour juger de leurs es topographiques.

description ci-dessus rapportée, que le Portugal a fait du irès irrégulier et accidenté que parcourt la ligne concordée Mapungwana, nous fait assez clairement comprendre à d'arrangements a dû donner lieu le tracement de cette Le Commissaire Britannique déclare que par le désir

d'arriver à une solution immédiate, il s'est décidé à modifications apportées à ses premières propositions par d'Andrade, bien qu'il fût convaincu que la première ligne devait plus exactement aux termes de l'Article II du Traité.

L'étendue des concessions faites par le Commissaire résulte de la dite Carte Britannique (D), sur laquelle ponctuée représente la frontière qu'il avait d'abord proposée, en certains endroits où elle ne coïncide pas avec la ligne concordée, à la lettre C jusqu'à la lettre K. On voit par cette carte *acceptée* par le Délégué Portugais est bien importante pour lui-même dans son Mémoire (page 93) que c'est *la plus grande de la démarcation* arrêtée. C'est là précisément que lui-même a fait les plus larges concessions dont il entend de profiter.

Au reste, la manière dont ce compromis a été formé est expliquée même par le Capitaine d'Andrade en des termes très utiles de rapporter: "La ligne Leverston-d'Andrade, No. 109 des Observations sur le Mémoire Britannique, est en se faisant des concessions réciproques; il y avait la ligne de la carte et la ligne d'Andrade, et après des discussions prolongées sur le terrain, pour faire preuve d'un esprit de conciliation de l'un à l'autre, on est arrivé à la ligne ci-dessus indiquée, quoiqu'il y ait de l'autre on était persuadé que chacune des deux lignes était conforme au texte de la Convention."

Le langage des Délégués des deux Gouvernements est une évidence que toute la ligne concordée a été l'effet d'un compromis ou d'une transaction, qu'on ne pourrait scinder sans altérer les intentions de ses auteurs et sans blesser la justice à l'égard de l'une ou de l'autre Partie. C'est le cas de dire de ce compromis qu'il est à tout prendre ou à tout laisser. Le Portugal, la partie plus grande qui lui est avantageuse, ne peut rejeter le désavantage de la Grande-Bretagne, sans que la balance soit évidemment troublée, et l'équilibre dérangé entre les deux Parties.

Le défaut de pleins pouvoirs du Délégué d'Andrade au Portugal appelle notre attention dans plusieurs Mémoires rapportés dans son Mémoire, quand même il était démontré d'une manière irréfutable, ne pourrait être admis comme un compromis en faveur du Portugal que dans le cas que ce dernier renonce tout entier pour refaire toute la ligne concordée.

Mais le Portugal prétend qu'il ne fait dans ce traité que sa ligne à la Convention.

La Grande-Bretagne conteste cette affirmation par une exception, que nous avons qualifiée technique. Son No. 15 de ses *Observations Finales* observe que la ligne va depuis Mapungwana jusqu'au Mont Zuzunye *est bien une crête naturelle, mais c'est une crête qui se trouve sur le*

crête du plateau. En examinant, en effet, la Carte Anglaise (D) que la pente depuis cette crête au nord-ouest vers l'Umswilizi est beaucoup plus rapide que la pente générale de l'autre côté vers le sud, et le district de l'Umswilizi (ou Moussurize), même d'après le témoignage d'Andrade, est une vraie rivière du plateau à ne pas en faire une (Observations sur le Contre-Mémoire Britannique, No. 68.) Le Gouvernement Portugais cherche ici, à ce qu'il paraît, comme dans la première section, le bord du versant sur les altitudes les plus élevées, et il confond encore une crête du plateau avec la crête, au sud, de son versant. Si la ligne du bord oriental descend dans cet endroit, c'est l'effet naturel de l'abaissement de tout le plateau de Manica qu'on remarque à l'ouest de la carte, allant du Lusitu vers le sud. Cette pente générale du sud de la table du plateau lui-même, ne doit pas être confondue avec la pente ou le versant qui s'abaisse naturellement avec l'abaissement du plateau.

Il faut, au surplus, avoir présent cet aveu des Parties (qui nous a déjà mis en relief), que cette section de la ligne est le résultat de concessions mutuelles. En sorte que, si dans son parcours il y a un trait moins régulier et moins conforme à l'exacte application de l'Article II du Traité, ces irrégularités se compensent mutuellement, et si après Mapungwana il y a quelque avantage pour la Grande-Bretagne, le Portugal trouve une large compensation dans les concessions qui lui ont été faites dans la partie bien plus grande de la section de Mapungwana, et dans celle qui suit.

Il nous est donc fondées les deux exceptions de la Grande-Bretagne. Quoiqu'elles soient essentiellement distinctes elles se compensent, et les deux réunies nous portent à conclure que l'application partielle de l'accord, et la conséquente modification faite par le Portugal entre le point *H* et le point *M*, est aussi conforme aux principes de justice qu'aux règles de l'Article II du Traité. C'est pourquoi l'accord doit, à notre avis, être maintenu tel qu'il est au Mont Zuzunye.

Passons à la dernière partie de cette section jusqu'au point *O*, que nous parlerons en examinant la troisième section, à laquelle cette section a été réunie par la discussion des Délégués.

VI.—Troisième Section de la Frontière.

La ligne, une fois portée par les Délégués des deux Gouvernements au sommet du Mont Zuzunye, donne lieu à une grave difficulté sur la manière d'interpréter et d'appliquer la Convention, en ce qui reste à délimiter pour atteindre le fleuve Save.

Le Gouvernement de la Grande-Bretagne, en partant du point du Mont Zuzunye (point marqué *M* sur la Carte D), la traverse la vallée de l'Umswilizi jusqu'à un point élevé de

la ligne de partage des eaux qui sépare la vallée du de celle d'autres affluents de l'Umswili (qui sont tous plateau), et elle suit la ligne de l'accord jusqu'au point où elle rencontre le méridien $32^{\circ} 30'$.

Cette petite partie de la frontière est le complément concordé entre le Major Leverson et le Capitaine d'Almeida. Elle doit conséquemment y appliquer toutes les observations que nous avons faites ci-dessus, sur l'indivisibilité de l'accord par une transaction bilatérale qui ne supporte la moindre exception. L'abaissement sensible de tout le plateau dans cette direction, détournant vers le sud-ouest, oblige naturellement la ligne du bord oriental, à fléchir vers l'ouest jusqu'au méridien, puis ensuite s'arrêtant à ce méridien, fixé comme limite. L'Article II du côté de l'ouest, elle le suit jusqu'au point où elle rencontre le méridien, et dans la zone Portugaise tout le territoire qui se trouve au même méridien.

Nous jugeons à propos de remarquer ici que l'accord, en reculant la ligne à l'ouest, il a pour résultat, dans son point *M* au point *N*, de faire entrer dans la zone Portugaise le triangle *LMN*, dont l'importance est visible sur la Carte. Ce triangle est compris entièrement dans le district de l'Umswili plateau. C'est donc une autre concession considérable au Portugal.

Enfin, la ligne Anglaise, dans l'ensemble de sa configuration, serait conforme aux deux conditions exigées, savoir, la direction vers le sud, suivant les déviations du plateau, et la limitation du parallèle $32^{\circ} 30'$ du côté de l'ouest.

Le Gouvernement Portugais, au contraire, se croit obligé, par la configuration du terrain dans cet endroit, à suivre une autre direction, et à s'écarter des règles fixées par le Traité.

En se fondant sur la supposition que l'abaissement du plateau après le parallèle du Mont Zuzunye jusqu'au chenal de l'Umswili, est tellement marqué que le plateau de Manica et son versant viennent à cesser complètement, il en tire la conséquence que la frontière ne peut plus longer son bord oriental vers le sud, et produit, dit-il, un cas non prévu, ou omis, dans le Traité. Il suppose que le plateau se prolonge au sud jusqu'au point où les règles établies par l'Article II cessant d'être applicables, il supplée en faisant recours aux principes généraux de la politique diplomatique, d'après lesquels, lorsque dans une Délimitation il est dit qu'une ligne doit se rendre d'un point à un autre, sans en déterminer le parcours, elle doit s'y rendre, soit par la voie la plus courte.

En appliquant cette règle au cas supposé, le Commandant soutient que la frontière ne pouvant se diriger au sud,

si qu'exige le Traité, elle doit y aller du côté de l'ouest par la plus courte, afin de suivre son cours en aval jusqu'à son confluent avec le Lunde. Il ajoute que cela serait conforme, soit à l'intention des négociateurs, qui n'ont eu en vue que de laisser tout libre à la Grande-Bretagne, soit aux principes de justice et d'équité qui militent en faveur du Portugal; soit enfin aux expressions du Traité, "suit ce chenal jusqu'à son confluent avec le Lunde," c'est-à-dire *suivre un cours d'eau*, d'après lui, signifie plus proprement le cours *en aval* et non pas *en amont*, ainsi que le ferait la ligne proposée.

Sur ces arguments, en rejetant la ligne proposée par la Grande-Bretagne, le Portugal croit *juste et rationnel* que la frontière depuis 30' environ se rende au Save par les Monts Nero et Zuzunye, la Rivière Lacati, suivant ensuite le cours du Save jusqu'à son confluent avec le Lunde.

Comme cette ligne dépasserait le méridien $32^{\circ} 30'$, il cherche à surmonter cette difficulté en observant "que les méridiens du 33° à $32^{\circ} 30'$ à l'ouest ne figurent dans le Traité qu'avec le rôle de limites que la frontière dans son cours ne doit jamais dépasser, s'il s'agit de la tracer au long du bord du versant oriental du plateau; donc" (il conclut) "ces limites n'ont rien à voir dans la détermination d'une contrée, où précisément le plateau et le versant se réunissent." (Mémoire Portugais, page 97.)

Les raisonnements que nous venons de résumer nous paraissent très précieux que solides, n'étant essentiellement fondés ni en fait ni en droit. Deux sont les questions qu'ils soulèvent dans leur ensemble, savoir: (1) si le plateau de Manica cesse réellement avant d'arriver au Save; (2) si dans le cas affirmatif il soit permis d'en tirer les conséquences qu'on en déduit.

Nous remarquerons avant tout que les officiers topographes ont arrêté d'accord la frontière depuis le point *M*, sommet sur le Mont Zuzunye, jusqu'au point *O* où le bord coupe le $32^{\circ} 30'$, ont dû reconnaître dans ce parcours l'existence du plateau et du versant, et la nécessité d'une ligne nécessaire de ce tracé.

Le Major Leverson observe (No. 30 de ses Notes) que la position du Traité, que le versant du plateau, sans cesser d'être versant oriental, s'étende jusqu'au Save, était parfaitement justifiée sur la Carte de M. Maund, dans laquelle on voit que le bord de ce plateau, après avoir coupé le méridien de $32^{\circ} 30'$, suit une direction à peu près sud-ouest jusqu'au Save; qu'en effet l'examen du terrain a démontré que la déflexion générale donnée au bord à l'ouest de ce méridien par cette carte n'est pas très inexacte. Il ajoute qu'il n'est aucunement que le plateau n'existe plus au sud du Mont Zuzunye, puisque cette montagne se trouve, dit-il, même à l'est de la ligne de partage des eaux, et précède le triangle *LMN*.

entièrement compris dans le district de l'Umswilizi (ou qui, de l'aveu même du Capitaine d'Andrade, ainsi qu'il a déjà remarqué, est une vraie rivière du plateau.

L'abaissement considérable des hautes terres de d'arriver au Save serait, d'après le Portugal, la preuve qu'il n'existe plus et qu'on y trouve la plaine.

Mais tout en reconnaissant qu'il y a un abaissement, estimons qu'il n'arrive pas à effacer les caractères du plateau.

Il ne faut pas oublier en premier lieu que le plateau (ainsi que les autres plateaux d'Afrique en général) a l'aveu des Parties et les observations des géographes voyageurs, plus élevé à l'est et s'affaisse graduellement vers l'ouest. Mais cet abaissement naturel n'ôte point à la plaine son caractère. En effet, le Délégué Britannique, en examinant que la partie du plateau de Manica au sud du parallèle de section de son bord par le 32° 30' est moins élevée qu'à l'nord, il soutient que cela n'empêche pas qu'on doive encore comme partie de la table du plateau; il explique bien cette proposition en remarquant que la diminution de l'altitude générale du pays à l'ouest, en allant du Lusitane, est causée par l'abaissement graduel de tout le plateau de Mapungwana et par la façon dont, en approchant du Save, il recule vers le sud-ouest; mais cette inclinaison générale n'autorise pas à y voir la partie d'une pente extérieure au plateau; le versant qui rattache le plateau à la plaine, et en marque le commencement de la plaine.

Il est admis par les géographes que la surface d'un plateau peut avoir une pente générale de cette espèce sans cesse croissante, et à cause de cela, d'être un plateau. L'autorité de Réclus en fournit un exemple dans son œuvre de "La Terre," tome 1, 2^e éd., page 137), où il nous apprend que la plupart des hautes terres de l'Afrique sont peu élevées; les pentes offrent un accès facile; ainsi les plateaux de l'Angola, dont la hauteur moyenne est au sud de 200 mètres, s'élèvent par degrés vers le nord jusqu'à une altitude de 1,000 mètres au-dessus du niveau de la mer."

Cette observation s'applique parfaitement aux hautes terres de Manica, qui, sans contredit, s'élèvent vers le nord jusqu'à 1,000 mètres, tandis que vers le sud, un peu avant le Save, leur altitude n'est pas de beaucoup supérieure. (Observations sur le Contre-Mémoire Britannique, N^o 4. conclusions du Délégué Portugais, No. 4.)

Une autre observation complète cette démonstration. Il est généralement reconnu, même par M. le Capitaine de Almeida (Observations sur le Mémoire Britannique, No. 71), qu'il y a une

son de plateau est susceptible d'une certaine élasticité à cause de l'application peu restreinte qu'on fait de ce mot." La géographie ne fixe donc point le *minimum* de son altitude; ce *minimum* dépend des terres qui l'environnent et des conditions particulières de chaque région. Nous venons de rappeler que, suivant le témoignage de M. Réclus, la hauteur de 200 mètres en Afrique suffit à constituer un plateau. Cette opinion nous la trouvons partagée par M. Ritter (cité avec nombre d'autres auteurs dans le *Mémoire Portugais*, page 48), qui considère l'élévation de 500 pieds (160 mètres environ) comme étant la limite la plus basse du niveau d'un plateau. De même le Capitaine d'Andrade dans ses *Conclusions* (No. 4) reconnaît que, d'après le même Réclus, il peut y avoir des plateaux à l'altitude de 50 mètres, et que d'après l'illustre géographe Italien Marinelli l'altitude minime d'un plateau est de 200 mètres. (Marinelli, "La Terra," vol. i, page 302.)

Dans notre cas, la règle d'herméneutique légale,—suivant laquelle les expressions employées dans un contrat doivent être prises dans le sens le plus conforme à l'intention des parties qui l'ont stipulé et le plus favorable au but du contrat,—nous oblige à donner au mot de plateau la signification la plus large possible, c'est-à-dire, à exiger seulement le minimum de son altitude normale, afin de pouvoir constater son existence jusqu'au Save, telle que l'avaient supposée les Hautes Parties, et afin de rendre possible ainsi l'application du texte de l'Article II du Traité. Suivant ainsi, au point de vue du droit, une règle d'interprétation universelle, et, au point de vue technique, l'opinion des plus illustres géographes auxquels se rapportent aussi les deux Parties, nous concluons que le plateau de Manica, bien qu'il s'abaisse graduellement vers le sud et se réduise à des proportions minimales, conserve toutefois une hauteur suffisante pour admettre (ainsi que l'ont supposé les rédacteurs du Traité) qu'il existe encore jusqu'au Save.

2. Enfin, pour examiner la question sous toutes ses faces, nous supposons avec le Portugal que le plateau, contre la prévision des auteurs du Traité, vienne à cesser à une distance plus ou moins grande avant d'arriver au Save. Les conséquences qui s'ensuivraient ne seraient certainement pas celles que le Portugal croit d'en tirer.

La direction que la ligne doit avoir vers le sud ne cesserait pas, et les limites des méridiens qu'elle doit garder dans sa marche resteraient invariables; aussi on ne pourrait pas même dire qu'il se vérifie un cas omis, ou une lacune dans la Convention.

En effet, quant à la direction de la ligne vers le sud, il suffit de réfléchir qu'elle est la seule qui se trouve établie dans l'Article II du Traité comme règle générale pour le tracé de toute la frontière entre le 18° 30' et le Save. Les mots "southwards to the centre"

du texte Anglais, ainsi que les mots "na sua direcção sul até á linha media" du texte Portugais, signifient "vers le sud jusqu'au centre," et non seulement "vers le Sabi." (Voir Observations du Major Leverson, No. 18.) Il est vrai que l'Article dit en même temps que la ligne "suit la partie supérieure de la pente orientale du plateau." Mais par ces mots on n'a pas voulu dire que la ligne n'ira vers le sud que si, et *pour autant que*, elle pourra suivre le bord de ce versant, ainsi que le Délégué Portugais estime; mais tout simplement, que la frontière, en allant vers le sud au Save, doit suivre le contour naturellement tortueux du bord, et non pas y aller en ligne droite.

Ce n'est là évidemment qu'une condition imposée au tracé, et non à la direction de la ligne qui doit surtout aller vers le sud: seulement en allant vers le sud au Save, elle doit suivre le bord du versant oriental. Il est donc bien entendu qu'elle suit ce bord tant qu'il existe dans son parcours. Or, si le bord, que le Traité suppose se prolonger jusqu'au chenal du Save, cesse avant d'y arriver, cette modalité du tracé cesse nécessairement avec le bord même, comme une condition remplie; et depuis le point où le bord finit, la ligne, restant dégagée de tout lien, doit aller directement au Save suivant la règle générale de sa direction vers le sud, dont l'application, en fait, ne trouve aucun empêchement. Seulement elle ne pourra dépasser à l'est le 33°, ni à l'ouest le 32° 30' de longitude, ainsi que nous allons bientôt expliquer.

Cette interprétation est la seule raisonnable, la seule conforme au texte de l'Article II, et à l'intention de ses auteurs.

L'objection que ce texte suppose que le plateau arrive jusqu'au Save ne pourrait aucunement secouer cette conviction.

Les rédacteurs du Traité, de l'aveu des Parties, n'avaient qu'une connaissance imparfaite du plateau qu'ils délimitaient. Or, s'ils se sont trompés, cette erreur qui ne tombe sur une condition substantielle, mais sur une modalité dans le tracé de la ligne, ne pourrait changer en rien sa direction finale vers le sud, qui peut et qui doit être suivie tout de même.

D'ailleurs, cette persuasion des négociateurs que le plateau arrivait jusqu'au Save, quoique erronée, fournirait la preuve évidente que par les mots "la frontière suit vers le sud la partie supérieure du versant oriental jusqu'au Save," ils n'ont voulu dire autre chose que la frontière va vers le sud jusqu'au Save *en toute son étendue*, qui, pour eux, s'identifiait avec l'étendue du bord.

Quant à la limitation du 32° 30' de longitude, nous estimons que le Portugal n'aurait non plus le droit de s'en émanciper en supposant que le plateau cesse avant le Save.

Si on recherche la cause et les raisons de cette limitation, on comprend aisément qu'elle est en tout cas indépendante de la continuité du bord jusqu'au Save.

sulte de l'histoire des négociations qui ont précédé la du Traité que M. le Marquis de Salisbury avait d'abord de fixer la frontière au 33° de longitude depuis le 18° 30' Save; que le Portugal, n'ayant pas accepté cette proposition, nt déclaré par M. le Ministre du Bocage qu'il pourrait mme ligne divisoire le 32° 30', pourvu qu'on eût égard aux ions exigées par les conditions géographiques. (Mémoire ue, No. 13.) Les deux propositions réduisaient la a entre les deux lignes à la bande de terrain existante 32° 30' et le 33° longitude. Ce fut alors que, pour concilier nce, Lord Salisbury présenta une espèce de transaction, qui t comme ligne-frontière la partie supérieure, ou le bord du rioriental, depuis le 18° 30' jusqu'au confluent du Save avec le

oyen de conciliation a été accueilli par le Portugal, et adopté icle II du Traité.

prévoyant naturellement que le bord du versant d'un montagneux irrégulier, tel que celui de Manica, serait dans son développement, les négociateurs ont jugé e d'établir que la frontière, suivant le bord dans son cours n'aurait jamais dû dépasser les limites proposées par des Parties, savoir, le méridien 33° à l'est, proposé par erre, et le méridien 32° 30' à l'ouest, proposé par le

i la ligne venait à être, pour ainsi dire, resserrée dans des deux méridiens, dans le double but de ne pas sortir de du terrain disputé et de ne pas assigner aux Parties plus n'avaient demandé.

ce qui a été précisément convenu par le paragraphe de II: "*Il est entendu qu'en traçant la frontière le long de la plateau, aucune partie de territoire à l'ouest du 32° 30' de e ne sera comprise,*" &c. La ligne donc *dans tout son tracé* ra dépasser les limites sus-indiquées; si on y fait mention du nt le long du versant, ce n'est que pour la simple raison s mentionnée, que les négociateurs du Traité étaient ent persuadés que le bord du versant se prolongeait, ue la ligne, vers le Save. Si, par hasard, on a trouvé qu'il avant de l'atteindre, cette circonstance n'empêche pas que e des deux méridiens ait toute sa raison d'être, et que la a allant directement au Save, après la cessation supposée , reste dans l'ornière que les Parties lui ont fixée par ces ons qui contiennent une prohibition claire et absolue.

possibilité de tracer la ligne entre ces bornes (ainsi qu'il observé par le Délégué Britannique) serait la seule raison trait être invoquée pour les franchir; mais une telle impossi

bilité est si loin d'avoir été prouvée qu'elle n'a pas même été alléguée par le Portugal.

Le seul effet que la cessation du plateau avant le Save peut produire à l'avantage du Portugal est celui de donner à la zone Portugaise vers l'ouest la plus grande étendue, en la poussant jusqu'à toucher la limite extrême du 32° 30'. Mais, comme la Grande-Bretagne immédiatement au sud de Chimanimani a reconnu qu'elle ne peut suivre le plateau dans son détour au delà du 33°, de même le Portugal ne peut prétendre de suivre le versant, ou la pente, ou la plaine, au delà du 32° 30', contre la défense explicite du Traité.

Enfin, il ne faut pas oublier que la Grande-Bretagne, pour s'assurer que la frontière ne dépasserait le 32° 30' vers l'ouest et n'irait jamais empiéter sa zone au delà de cette limite, a fait, comme nous avons plus d'une fois remarqué, la concession d'une large étendue de territoire au nord du Zambèze au Portugal pour le dédommager de la perte qu'il aurait subie sur le plateau de Manica. Or, il serait contraire aux principes de justice que, sous un prétexte quelconque, le Portugal, en dépassant cette même limite, repriit une partie du territoire en échange duquel il a accepté la dite compensation. Il est vrai, qu'à l'égard de cette concession, ou, pour mieux dire, de cet arrangement, le Portugal devant l'Arbitre n'a manqué de soulever des exceptions, soit sur sa valeur, soit sur les droits de la Grande-Bretagne à l'égard du territoire cédé. Mais nous devons répéter, ce que nous avons déjà eu l'occasion d'observer, que le Portugal, après avoir accepté par le Traité ce territoire comme une compensation équitable, il n'est plus recevable à opposer des exceptions dont, au surplus, il n'a fourni aucune justification, s'étant borné à de simples allégations.

Il ne reste que le dernier argument du Portugal, tiré de la phrase "la frontière suit le chenal du Save jusqu'au point où il rencontre le Lunde," qu'il croit devoir signifier que la frontière va au Save *en aval* du confluent avec le Lunde, et que par conséquent elle doit l'atteindre avant son arrivée au Lunde. Cet argument est détruit par le fait, que selon la Convention la ligne devant entrer dans le Save avant le méridien 32° 30', et ce méridien coupant le Save après son confluent avec le Lunde, il s'ensuit qu'on a entendu nécessairement qu'on doit remonter le Save pour aller au confluent du Lunde.

Mais, à part la question si la phrase "suivre une rivière en amont" soit rigoureusement exacte au point de vue philologique, il est certain que, dans le langage diplomatique et technique des Conventions de Délémitations, suivre un fleuve, une rivière, se dit aussi bien dans le sens de suivre *en amont* que de suivre *en aval*.

M. le Délégué Britannique, dans ses Notes (No. 39), en a fourni

ve par la citation de l'Acte de Délimitation de la Frontière recque signé à Constantinople par la Commission Mixte le 15 Novembre, 1891. (Voir dans le vol. iii de la *Italia dei Trattati e delle Convenzioni fra il Regno d'Italia e i Esteri*, Turin, 1890, pages 99 et seq., les Articles I et II de la Convention), où évidemment les mots "suit" et "suivre" d'une rivière sont employés pour signifier suivre

d'autres exemples pourraient être rapportés; mais il est une fois que le Délégué Portugais lui-même dans ses observations sur le Contre-Mémoire Britannique (No. 32 h) déclare, l'interprétation naturelle des mots "suivre une rivière" est de la suivre *en aval*, "cela n'est pas absolument contraire."

résumé, nous croyons que la prétention du Portugal de mettre de côté l'Article II de la Convention depuis le Mont Panga, et d'y substituer des principes généraux en fait de délimitation n'est justifiée ni en fait ni en droit; et que la ligne qui doit être adoptée dans cette section est celle tracée sur la Carte (D) de l'Afrique du Nord, telle qu'elle avait été concordée par les Gouvernements des deux Gouvernements jusqu'à la rencontre du 32° 30'. La continuation de la ligne jusqu'au Save suivant ce méridien n'en a aucune conséquence nécessaire.

Par ces motifs :

nous déclarons que, d'après l'Article II du Traité signé à Londres le 11 Juin, 1891, la ligne qui doit séparer les zones de la Grande-Bretagne et du Portugal dans l'Afrique du Sud, au sud du Zambèze, depuis le parallèle 18° 30' jusqu'au Save (ou Sabi) avec le Lunde (ou Lunte), doit être tracée ainsi qu'il suit :—

Quant à la première section de la frontière contestée telle qu'elle est désignée par le Compromis, la ligne en partant du point du parallèle 18° 30' coupe le 33° longitude est de Greenwich, et va au vrai ouest jusqu'à un point qui se trouve à l'intersection du 18° 30' avec une ligne droite tirée entre le *stone pinnacle* sur le Mont du Mahemasemika (ou Massimique) et une hauteur sur le versant septentrional du Mont Panga qui est signée par la cote 6,340 p. Depuis ce point d'intersection sur le parallèle, elle va en ligne droite jusqu'à la dite cote de 6,340 p.; d'où, suivant la ligne de partage des eaux jusqu'à la cote de 6,504 p., elle va en ligne droite au sommet du Mont Panga (6,970 p.). Depuis cette ligne droite elle va à la cote de 3,890 p., et d'ici elle va directement traversant la Rivière Inyankarara (ou Inhamucarara) à la cote de 6,740 p. au nord du Mont Gorongoe.

Elle parcourt ensuite la ligne de partage des eaux par les cotes de 4,960 p. et 4,650 p. jusqu'au sommet du Mont Shuara ou Chuma (cote de 5,540 p.); et de là en suivant la ligne de partage des eaux entre l'Inyamkarara et le Shimezi (ou Chimeza, cote de 3,700 p.), elle arrive au signal trigonométrique marqué sur le Mont Venga (ou Vengo, cote de 5,550 p.).

Depuis le Mont Venga elle suit la ligne de partage des eaux entre la haute vallée de l'Inyamkarara et le Révué, et puis celle entre le Révué et l'Odzi, jusqu'au point où se détache le contrefort qui forme la ligne de partage des eaux entre le Menini (ou Munene) et le Zombi (ou Zombe), d'où elle suit la crête du dit contrefort jusqu'au Mont Vumba (cote de 4,950 p.).

Du Mont Vumba elle va en ligne droite au point trigonométrique qui se trouve sur le Serra Chaura entre 4 et 5 kilom. à l'est de la grande ligne de partage des eaux, et de là en ligne droite jusqu'au point qui se trouve à l'extrémité orientale de Serra Inyamatumba (cote de 4,650 p.).

De là elle suit la ligne de partage des eaux qui renferme au nord la vallée du Mangwingi (ou Munhinga) jusqu'à ce qu'elle rejoigne la grande ligne de partage entre le Save et le Révué. Elle suit cette ligne jusqu'au point d'où se détache le petit contrefort qui renferme au nord la haute vallée du Little Mussapa (ou Mussapa Pequeno), et elle en suit la crête jusqu'au point de cote 5,100, d'où elle va directement vers le vrai est en traversant le Petit Mussapa et atteignant la crête du versant oriental du Mont Guzane, qu'elle suit jusqu'au méridien 33° longitude est de Greenwich; elle suit enfin ce méridien en coupant le Grand Mussapa (détailé de Chimanimani) jusqu'au point marqué A sur la carte ci-jointe.

2. Quant à la deuxième section de la frontière comprise entre la fin de la section précédente et le point où la partie supérieure du versant oriental du plateau coupe le 32° 30' de longitude est de Greenwich, la frontière suit la ligne qui est indiquée sur la carte ci-jointe par les lettres A, B, C, D, E, F, G, H, I, J, L, M, N, O, arrivant ainsi à la rencontre du méridien 32° 30' à peu près au parallèle 20° 42' 17".

3. Quant à la troisième section qui regarde le territoire qui s'étend de la rencontre du bord du versant oriental avec le 32° 30' à peu près au 20° 42' 17", jusqu'au point où se rencontrent les fleuves Save et Lunde, la ligne suivant le dit méridien 32° 30' va directement au milieu du chenal principal du Save, et puis elle suit ce chenal en amont jusqu'à son confluent avec le Lunde, où termine la frontière soumise à notre Arbitrage.

Une carte qui contient le tracé de la ligne de délimitation conforme à notre décision, signée par nous et munie de notre sceau,

est annexée à chacun des deux originaux de notre arrêt, dont elle forme partie intégrante.

Fait à Florence, en double original, ce 30 Janvier, 1897.

Signé à l'original :

(L.S.) PAUL HONORÉ VIGLIANI.

ALEXANDRE COSSI, *Secrétaire*.

No. 19.—Foreign Office to Major Leverson.

SIR,

Foreign Office, February 12, 1897.

I HAVE laid before the Marquess of Salisbury your despatch of the 5th instant, explaining the nature of the Award given by Signor Vigliani, the Arbitrator selected by the British and Portuguese Governments to settle the questions in regard to the frontiers of the possessions of the two countries south of the Zambezi, which arose out of Article II of the Treaty of the 11th June, 1891.

The Award and accompanying Map have been received in this Department.

I am directed by the Marquess of Salisbury to express to you his cordial appreciation of the services rendered by you to Her Majesty's Government whilst employed as their Commissioner for the survey of the frontier on the spot, in the preparation of the case which they submitted to the Arbitrator, and in the subsequent stages of the proceedings which preceded the Award.

I am, &c.,

Major Leverson.

FRANCIS BERTIE.

No. 20 — The Marquess of Salisbury to Sir Clare Ford.

(Telegraphic.)

Foreign Office, April 5, 1897.

THE appointment of Signor Vigliani as a G.C.M.G. has been approved by the Queen as a recognition of the services rendered by him to Her Majesty's Government as Arbitrator in the Manica frontier question.

ARRANGEMENT between the Post Office of Germany and the Post Office of India, for the Exchange of Postal Parcels between Germany and British India. — Signed at Simla July 28, and at Berlin, August 28, 1897.

IN order to establish an exchange of postal parcels between Germany and British India on the basis of the Vienna Parcel Post Convention of the 4th July, 1891,* the Imperial German Postal Administration and the Indian Postal Administration have entered into the following Arrangement. The terms of this Arrangement apply, in general, not only to a direct exchange of parcels between Germany and India, but also to parcels sent in transit through the two countries.

ART. I.—1. Parcels with or without insurance (“*valeur déclarée*”) may, up to 5 kilog. (or 11 lbs.) in weight, be forwarded, under the denomination of postal parcels, from one to the other of the two countries above mentioned. These parcels may be made subject to the collection on delivery of the amount specified by the sender for recovery. Insured parcels and parcels on which the amount specified by the sender for recovery is to be collected on delivery shall not, however, be forwarded by either country to the other until the Postal Administrations of the two countries have agreed to the terms of their transmission.

2. The working regulations determine the other conditions under which parcels may be forwarded.

II. The Postal Administrations of Germany and India will provide for the transmission of parcels between the two countries by means of the service at their disposal.

III.—1. For each parcel dispatched from India to Germany, the Post Office of India pays the Post Office of Germany the following transit rates:—

By the route via Bremen.

- (1.) A territorial rate of 50 centimes.
- (2.) A sea-rate of 2 fr.

By the route via Naples.

- (1.) A territorial rate of 50 centimes for Italy.
- (2.) A territorial rate of 50 centimes for Austria.
- (3.) A territorial rate of 50 centimes for Germany.
- (4.) A sea-rate of 1 fr.

* Vol. LXXXIII, page 976.

By the route vid Brindisi.

- (1.) A territorial rate of 50 centimes for Italy.
- (2.) A territorial rate of 50 centimes for Austria.
- (3.) A territorial rate of 50 centimes for Germany.

For each parcel dispatched from Germany to India, the Post Office of India pays the following transit

By the routes vid Bremen and Naples to Aden.

- (1.) A territorial rate of 1 fr. 75 c.

By the route vid Brindisi to Aden.

- (1.) A territorial rate of 1 fr. 75 c.
- (2.) A sea-rate of 1 fr.

By the routes vid Bremen and Naples to Bombay.

- (1.) A territorial rate of 1 fr. 75 c.
- (2.) A sea-rate of 1 fr.

By the route via Brindisi to Bombay.

- (1.) A territorial rate of 1 fr. 75 c.
- (2.) A sea-rate of 2 fr.

Independently of these transit charges, the Administration of the country of origin is responsible, on account of the insurance of each of the Administrations taking part in the territorial transit with responsibility, for the following insurance

For each territorial transit—

times for each declared sum of 300 fr. (12 $\frac{1}{2}$.) or part of 2 $\frac{1}{2}$);

For each sea transit—

times for each declared sum of 300 fr. (12 $\frac{1}{2}$.) or part of 2 $\frac{1}{2}$).

Territorial insurance rates due to the Italian and Austrian Governments on insured parcels dispatched from India by the Naples and Brindisi routes shall be paid by the Indian Post Office to the respective Post Office.

The prepayment of postal parcels is compulsory.

The postage on postal parcels is the sum of the territorial transit rates, with the addition of any fees and charges provided for. The equivalents are fixed by the working

2. For insured parcels an insurance fee is added. The Administration fixes its own scale of insurance fees, provided the scale does not include any rate in excess of $\frac{1}{2}$ per cent declared.

3. The sender of a postal parcel may obtain an acknowledgment of receipt by paying in advance a fixed fee of 25 centimes. The fee belongs entirely to the Administration of the country of origin.

VI. The country of destination may levy for the parcels and for the execution of custom-house formalities a total amount of which may not exceed 25 centimes. In the absence of arrangements to the contrary between the Administrations concerned, this fee is collected from the sender at the time of delivery of the parcel.

VII.—1. Parcels to which the present Arrangement applies shall not be charged with any postal tax other than those provided in the foregoing Articles III, V, and VI, and by the country of origin following.

2. Customs dues must be paid by the addressees of the parcels.

VIII.—1. The redirection of postal parcels from one country to the other, in consequence of change of residence of the addressee, as well as the return of postal parcels which cannot be sent, shall give rise to the supplementary payment of the charges fixed in Articles 1 and 2 of Article V by the addressees or by the sender. The sender may be, without prejudice to the refund of the customs duties and other special charges (storage, charges for custom-house formalities, &c.).

2. The redirection from Aden to any other part of the country shall give rise to the supplementary payment of a sea transit charge.

IX.—1. It is forbidden to send, by post, any parcels having either the character of correspondence or the character of articles the importation of which is not authorized by the laws or other laws or regulations. It is also forbidden to send gold or silver, bullion, or other precious articles, in parcels. If insured, if insured parcels are admitted to the express, it is permissible to inclose in a parcel an open invoice or receipts which constitute an actual invoice.

2. In case a parcel falling within one of these categories is sent by one country to the other, the latter proceeds shall be determined under the forms provided by its internal laws and regulations.

X.—1. Except in the case of *vis major*, when a parcel has been lost, stolen, or damaged, the sender, or in default of him, at the request of the same, the addressee is entitled to a refund corresponding to the actual amount of the loss or damage.

may not exceed, for ordinary parcels, 25 fr., and for parcels the amount declared for insurance.

Sender of a lost parcel is, moreover, entitled to a refund of postage.

Countries that are willing to assume responsibility for risks from *vis major* are authorized to levy under this head, on parcels with insurance ("valeur déclarée"), a surtax under the conditions laid down in Article XI, paragraph 2, of the Union Convention concerning the exchange of letters and boxes with Switzerland.*

The obligation to pay the indemnity rests with the Administration to which the dispatching office is subordinate. To that Administration is reserved a claim against the Administration of the territory, that is to say, against the Administration on the territory in the service of which the loss or damage took place.

In the case where the responsible Administration has given notice to the Administration of dispatch not to make payment, the former is to pay to the latter Administration any costs which the non-payment may entail.

Until the contrary is proved, the responsibility rests with the Administration, which, having received the parcel without making marks, cannot establish the delivery to the addressee, or the transfer to the next Administration, as the case may be.

Payment of the indemnity by the dispatching Administration must be made as soon as possible, and at the latest within a year from the date on which it is claimed. The Administration responsible is to refund to the dispatching Administration, without deduction, the amount of indemnity paid by the latter.

It is understood that a claim is only entertained if made within a year of the posting of the parcel; after this period the sender has no right to any indemnity.

If the loss or damage has occurred in the course of conveyance between the offices of exchange of two adjacent countries, without it being possible to ascertain on which of the two territories the loss occurred, the two Administrations concerned bear the loss in equal shares.

Administrations cease to be responsible for postal parcels when the persons entitled to them have taken delivery.

Any fraudulent declaration representing the value of the contents of a parcel to be higher than it really is, is forbidden. In the case of a fraudulent declaration of this nature, the sender forfeits all right to an indemnity, without prejudice to any legal proceedings under the laws of the country of origin.

* Vol. LXXXIII, page 947.

XII. Each Administration may, under special circumstances such a nature as to justify the measure, suspend temporarily the service of the parcel post, either wholly or partially, provided the notice be given at once, by telegraph if necessary, to the other Administration.

XIII. The internal legislation of each of the contracting countries remains applicable as regards anything not provided for by the stipulations of the present Arrangement.

XIV. The Postal Administrations of the two contracting countries name the offices which they authorize to carry out the international exchange of postal parcels; they also regulate the manner of transmission of such parcels, and settle all other measures of detail and procedure necessary to insure the execution of the present Arrangement.

XV. The Postal Administrations of Germany and India shall fix by common consent, the conditions under which there may be exchanged between their respective offices of exchange postal parcels originating in or addressed to foreign countries, and sent in transit through the intermediary of one or the other of the two Postal Administrations mentioned above.

XVI.—1. The present Arrangement shall come into force on the 1st February, 1898.

2. It shall remain in force until it shall be modified or determined by common consent of the two Contracting Parties, or until one of the two Contracting Parties shall have given one year's notice to the other of its intention to terminate it, and until the period of notice has expired.

3. From the date on which the present Arrangement comes into effect, all conditions previously agreed upon between the two contracting countries or between their Administrations are abrogated in so far as those conditions are not in accordance with the terms of the present Arrangement, but without prejudice to the rights reserved by the foregoing Article XIII.

Done in duplicate at Simla, the 28th July, 1897; and at Berlin, the 28th August, 1897.

(L.S.) VON PODBIELSKI, *Der Staatssecretair des
Kaiserlich Deutschen Reichs-Postamts.*

(L.S.) A. U. FANSHAWE, *Director-General of the
Post Office of India.*

DECLARATIONS for the execution of the Arrangement concerning Exchange of Postal Parcels concluded between Germany and India.—Signed at Simla, July 28, 1897; and at Berlin, August 28, 1897.

German and Indian Postal Administrations, in view of Article XIV of the Arrangement of the ^{20th July}_{28th August}, 1897, concerning the exchange of postal parcels between Germany and India, have agreed, by common consent, the following measures to insure the execution of the said Arrangement:—

1. The exchange of postal parcels shall be effected by the regular routes by means of the services at the disposal of each Administration:

Between Bremen, Aden, and Bombay;

Between Munich, Naples, Aden, and Bombay;

Between Munich, Brindisi, Aden, and Bombay.

Contracting Parties, however, reserve the right to make use of any other route, if by common consent they recognize its expediency.

After arrangement, if need be, with the other offices concerned, each Administration shall communicate to the other by means of Tables similar to the specimen (A) hereto attached:—

A list of the countries with which postal parcels may be exchanged through itself as an intermediary;

The routes available for the transmission of postal parcels and the point of entry into its territory or service;

The total of the rates which must be credited to it on this account for each country of destination, by the dispatching Administration.

By means of the Table (A), each Administration determines the rates to be used for the transmission of its postal parcels, and the rates of postage to be collected from the senders, according to the conditions under which the intermediate transit is effected.

Each Administration must communicate to the other a list of the countries of which the importation in its own country is forbidden by law or regulations.

2. The collection of postage is based upon the unit of weight, 100 times equal to 5 annas in India and 40 pfennig in Germany. Consequently, the postage to be collected under the terms of Articles III and V of the Arrangement is made up as follows:—

I.—*Parcels from India to Germany.*

For each parcel not exceeding 11 lb. in weight :—

		Between Bremen and Aden	Between Munich and Aden via Naples.	Between Munich and Aden via Brindisi.	
		Annas.	Annas.	Annas.	Rs. a p.
Indian territorial rate .. ..	..	17½	17½	17½	
Indian sea-rate .. ..	..	..	..	10	
German sea-rate.. ..	..	20	10	..	
Italian territorial rate .. ..	..	..	5	5	
Austrian territorial rate .. ..	..	..	5	5	
German territorial rate.. ..	..	5	5	5	
Total .. ..	..	42½	42½	42½	= 2 11 0

		Between Bremen and Bombay.	Between Munich and Bombay via Naples.	Between Munich and Bombay via Brindisi.	
		Annas.	Annas.	Annas.	Rs. a p.
Indian territorial rate .. ..	..	17½	17½	17½	
Indian sea-rate .. ..	..	10	10	20	
German sea-rate.. ..	..	20	10	..	
Italian territorial rate .. ..	..	..	5	5	
Austrian territorial rate .. ..	..	..	5	5	
German territorial rate .. ..	..	5	5	5	
Total .. ..	..	52½	52½	52½	= 3 5 0

Provided that the right is reserved to British India to adopt three rates of postage for parcels from India (including Aden) to Germany not exceeding 3 lb., 7 lb., and 11 lb., the Indian territorial rates being then taken as 7½ annas, 17½ annas, and 27½ annas, respectively, while the other rates, which together with the territorial rate, form the postage rate, remain unaltered.

II.—*Parcels from Germany to India.*

For each parcel not exceeding 5 kilog. in weight:—

	Between Bremen and Aden.	Between Munich and Aden via Naples.	Between Munich and Aden via Brindisi.	
	Pfennig.	Pfennig.	Pfennig.	Mks. pf.
German territorial rate.. ..	40	40	40	
Austrian territorial rate .. ..	..	40	40	
Italian territorial rate .. ..	..	40	40	
German sea-rate	160	80	..	
Indian sea-rate .. ..	..	..	80	
Indian territorial rate	140	140	140	
Total	340	340	340	= 3 40

	Between Bremen and Bombay.	Between Munich and Bombay via Naples.	Between Munich and Bombay via Brindisi.	
	Pfennig.	Pfennig.	Pfennig.	Mks. pf.
German territorial rate.. ..	40	40	40	
Austrian territorial rate .. ..	..	40	40	
Italian territorial rate .. ..	..	40	40	
German sea-rate.. ..	160	80	..	
Indian sea-rate	80	80	160	
Indian territorial rate	140	140	140	
Total	420	420	420	= 4 20

III.—1. Postal parcels may not exceed in any direction 60 centim. (2 feet English).

2. As regards the exact calculation or the volume, weight, or dimensions of postal parcels, the decision of the office of dispatch should be considered as correct, unless there be an obvious error.

IV. Parcels containing explosive or inflammable articles, and dangerous articles in general, are forbidden transmission.

V.—1. In order to be allowed transmission, each parcel must—

(1) Bear the exact address of the addressee: addresses written in pencil are inadmissible. When a parcel contains specie, articles of gold or silver, or other precious objects, this address must be written on the actual covering of the parcel;

(2) Be packed in a manner appropriate to the duration of the

transit, and affording sufficient protection to the contents. The packing must be such that it shall be impossible to tamper with the contents without leaving evidence of violation ;

(3.) Be sealed with sealing-wax or lead or some other substance with the impression or special mark of the sender ;

(4.) In case of insurance, bear a declaration on the address of the value insured, in francs and centimes, or in British (sterling) currency or in the currency of the country of origin, without erasure or over-writing even though certified. When the declared value is expressed in currency other than that of the franc, the sender or the Administration of the country of origin must convert it to this latter currency at par, showing, by fresh figures placed to the side of or below the figures representing the amount of the declaration, the equivalent thereof in francs and centimes.

2. Liquids or fatty substances which liquify easily, must be packed in a double case. Between the first (bottle, flask, pot, box, &c.) and the second case (case of metal or of stout wood) there should be some space left, which should be filled with saw-dust, bran, or other absorbing substance.

VI.—1. Every parcel must be accompanied by a dispatch-note and Customs declaration similar to the annexed specimens (B) and (C). Each Administration must notify to the other the number of Customs declarations to be furnished for each destination.

The sender may add on the coupon of a dispatch-note any communication relating to the article, under the condition, however, that the legislation of the country of origin or destination is not opposed to it.

2. A single dispatch-note, and, if not opposed to the Customs laws, a single Customs declaration, may be used for two or three parcels, but not more, sent by the same person, and intended for the same addressee, under the condition that none of these parcels be marked with an amount specified by the sender to be collected on delivery, and that insured parcels be not sent together with uninsured parcels.

3. For parcels posted in India, the Bombay and Aden offices of exchange shall prepare the dispatch-notes and Customs declarations.

4. Forms of dispatch-note not printed in the French language must bear a sublinear translation in that language.

5. Dispatch-notes accompanying insured parcels must bear, for each parcel, an indication of the value insured in accordance with the rules given under head 4 of Article V of the present Regulations.

The exact weight, in kilogrammes and grammes, of each insured parcel must be inscribed on the address of the parcel and also on the dispatch-note, in the place reserved for the purpose in that form.

the contracting Administrations decline all responsibility as to the correctness of the Customs declarations.

—1. Each parcel, as well as the dispatch-note relating to it, must bear a label similar to the annexed specimen (D), and showing the number of entry and the name of the office of posting.

The dispatch-note must, moreover, bear an indication on the reverse side of the place and date of posting.

On every insured parcel and every parcel on which an amount of duty by the sender is to be collected on delivery must bear a red stamp with the indication "*Valeur déclarée*" (value declared) or "Délivrance" (collection on delivery) in Latin characters.

When parcels contain specie, articles of gold or silver, or precious objects, the labels required by the preceding paragraphs 1 and 3 must be placed apart, so that they may not serve to the injury of the cover. Furthermore, they must not be folded on the two sides of the cover so as to conceal the edge.

Art. 1. Subject to any modification that may be agreed upon between the Governments, the exchange of postal parcels is effected through the Berlin and Munich offices of exchange on the side of Germany, and the Aden and Bombay offices of exchange on the side of India.

The transmission of the postal parcels between the German and Indian offices of exchange is effected in closed bags or boxes. If boxes are used, their cost shall be shared equally between the two Administrations.

Postal parcels are entered by the dispatching office of origin in an invoice similar to specimen (E) attached to the present Regulations, with all the details which the form requires. The dispatch-notes and the Customs declarations, as well as the acknowledgments of receipt, are attached to the invoice.

When application for an acknowledgment of receipt of a parcel has been made, the office of origin notes in manuscript on the parcel in a conspicuous manner the words "*Avis de réception*" and impresses on it a stamp, "A. R."

The acknowledgments of receipt are prepared by the offices of destination, which transmit them, either direct or through the offices of exchange, to the offices of origin, which deliver them to the addressees.

On receipt of an invoice, the receiving office of exchange proceeds to the verification of the postal parcels and different documents therein entered, and, if necessary, prepares a statement of irregularities, or of other irregularities, by means of a form similar to specimen (F) annexed to the present Regulations, and in conformity with the rules prescribed for insured articles by Article IX of the working Regulations of the Arrangement concerning articles of value declared.

Discrepancies of minor importance regarding volume and weight are communicated simply by verification of the invoice.

XII.—1. Postal parcels retransmitted in consequence of error in sending are forwarded to their destination by the mail of the country at the disposal of the retransmitting Administration. The retransmission involves the return of parcels to the Administration of origin. In the Administration of origin, the credits entered in the invoice of the original transmission are cancelled, and the retransmitting office delivers these articles to its correspondent, simply receiving a new invoice, after having pointed out the error by a certificate. In the contrary case, and if the amount of the retransmission borne by it, it takes credit for the amount of the retransmission by increasing the sum entered to its credit on the invoice of the dispatching office of exchange. The reason for the error is notified to the said office by means of a verification certificate.

2. Postal parcels redirected, in consequence of error in the residence of the addressees, should, when possible, be delivered by the original despatch note, or, in case of loss, by a new note. These parcels are charged, by the office of origin, with the charge to be collected from the addressees, representing the amount due to this latter office, to the Administration of origin, and also, if necessary, to each of the intermediate Administrations.

The redirecting Administration takes credit for the amount of the charge from the intermediate Administration or from the Administration of the new destination. In the case in which the redirection involves a change of that of the new destination are not adjacent, the first Administration which receives a redirected postal parcel takes credit for the amount of its share, and for that of the redirection against the Administration to which it delivers the parcel, and the latter in its turn, if it be itself only an intermediate Administration, takes from the next Administration its own share, combining the charges for which it has accounted to the preceding Administration. The same operation is carried out in the relations between the Administrations which share in the conveyance, until the parcel reaches the Administration of delivery.

However, if the charges leviable for the further conveyance of the parcel which has to be redirected are paid at the time of the redirection, the article is treated as if it were addressed straight to the directing country to the country of destination, and no charge is without postal charge to the addressee.

3. The senders of undeliverable parcels shall be responsible for their disposal, unless they have asked for immediate delivery to another addressee by means of an advice (which is annexed) prepared in a language that is known in the country of

on (with sublinear translation, if necessary, in the language of origin), and affixed both to the dispatch-note and parcel itself.

Instructions may extend also to a surrender of the article to the Administration of the country of destination, but under the condition that the sender meets the charges, if any, for redirection, and the supplementary Custom-house charges due on the parcel to that amount which is not covered by the sale-proceeds of the parcel.

Requests for information shall be exchanged between the offices of the countries of destination and origin.

Within six months of the dispatch of the notice, the office of origin has not received adequate instructions, the parcel is returned to the office of origin. The parcel should also be returned to the place where its delivery at a new address cannot be effected, but, however, in the case where the sender has added to his new instructions a second eventual instruction (other address, surcharge, &c.).

However, articles liable to deterioration or corruption may be sold, even on the way to or fro, without preliminary notice and without legal formality, for the benefit of the owner. A statement of the sale will be prepared.

Parcels to be returned to the sender are entered in the invoice, with the remark "Rebut" in the column of observations. They are returned and charged as articles redirected, in consequence of the change of residence of the addressees.

Every parcel the addressee of which has left for a country to which postal parcels cannot be sent from India or Germany, as the case may be, is treated as an undeliverable parcel.

If one of the prohibitions specified in Article IX of the Convention is found, in the course of the operations of exchange, disregarded, the parcel is simply returned to the dispatching office, in the manner provided by paragraph 1 of the said Article.

Art. 1.—1. Each Administration prepares monthly for each of its offices of exchange, and for all despatches received from the offices of exchange of the other Administration, a statement, similar to the statement (H) annexed to the present Regulations, of sums entered in the invoice whether to its credit, for its own share and that of the other Administrations, if any, concerned in the rates of postage paid by the dispatching Administration, or to its debit for the services of the Administration of retransmission and of the intermediate Administrations, in respect of redirected or undeliverable parcels in the postal charges recovered from the addressees. The statements (H) are afterwards recapitulated by the same

Administration in an account (I), prepared quarterly to the present Regulations.

3. This account, accompanied by the monthly statements, invoices, and, if necessary, the verification certificate thereto, is submitted to the examination of the Administration, in the course of the quarter following its date. It relates to the quarter preceding the quarter in which it is submitted.

4. The quarterly accounts, after having been verified on both sides, are recapitulated in a general account of the Administration to which the balance is due.

5. The difference which results from balancing between the two Administrations is paid by the Administration to the other Administration in francs, in cash, by drafts drawn upon the capital, or upon a commercial bank in the creditor country, the expenses of payment being borne by the indebted Administration.

These drafts may, as an exception, be drawn on a bank on condition that the charges for discount be borne by the Administration.

6. The preparation, transmission, and payment of the drafts shall be effected with as little delay as possible, and at the latest at the expiration of the following quarter. When the drafts are passed, the amounts due by one Administration to the other shall bear interest at the rate of 5 per cent. per annum, dating from the expiration of the said term.

7. In all cases, however, the option is reserved to the Administrations concerned to make, by common consent, other arrangements than those set forth in the present Article.

XIV. The present Regulations shall come into force on the day on which the Arrangement comes into force.

It shall have the same duration as that Arrangement, and shall be renewed by common consent between the Contracting Parties.

Done in duplicate at Simla, the 28th July, 1897;
the 28th August, 1897.

(L.S.) VON PODBIELSKI, *Der Staatsekretär des
Kaiserlich Deutschen Reichs*

(L.S.) A. U. FANSHAWE, *Director
General of the
Post Office of India.*

(Office expéditeur du présent Tableau.

(A.)

(Office destinataire du présent Tableau.

ÉCHANGE DES COLIS POSTAUX.

Entre pays non limitrophes.

TABLEAU indiquant les conditions auxquelles peuvent être transmis à découvert à l'Office des Postes de _____, par l'Office des Postes de _____, des colis postaux à destination des pays auxquels le premier office est à même de servir d'intermédiaire au second.

Pays de Destination.	Voies de Transmission.	Désignation des pays intermédiaires et des services maritimes à employer.	Total des frais à bonifier par l'office à l'office			Observations.
			Taxe.	Droits d'assurance par 300 fr.		
			Fr. c.	Fr. c.	Fr. c.	
1	2	3	4	5	6	

(B.)

COUPON.

(Peut être détaché par le destinataire.)

Timbre du bureau
d'origine.

Nom et domicile de l'expéditeur.

BULLETIN D'EXPÉDITION.

Ci-joint _____. Nombre de déclarations en douane _____

Valeur assurée _____

Montant du remboursement _____

à _____

(Lieu de destination) _____

(Rue et No.) _____

Poids kil.

Grammes.

Acheminement.

Application du
timbre-poste ou
indication de
la taxe perçue.

Réçu du destinataire

L'expéditeur.

(D.)

475.

B A R M E N I.

Des Colis Postaux expédiés par le Bureau d'Échange de _____ au Bureau d'Échange de _____

Départ (° envoi) du 18 à h. m. du .
 Arrivée du 18 à h. m. du .

Numéro—		Bureau—		Nombre de—			Poids de chaque colis avec valeur déclarée.	Valeur déclarée.	Bonifications des Taxes et Droits—		Montant des rembourse- ments.	Observations.
1 D'ordre.	2 De l'enregistre- ment.	3 D'origine.	4 De destination.	5 Colis postaux.	6 Bulletins d'expédition.	7 Déclarations en douane.						
				9	10	11	12	13				
				Fr.	Fr. c.	Fr. c.	Fr. c.					
Totaux ..												

*L'employé du bureau expéditeur.**L'employé du bureau destinataire.*

ADMINISTRATION DES POSTES D_____.

(F.)

(Timbre à date.)

SERVICE DES COLIS POSTAUX.

BULLETIN DE VÉRIFICATION

Pour la rectification et la constatation des erreurs et irrégularités de toute nature reconnues dans l'envoi de colis du Bureau d'Échange
d _____ par le Bureau d'Échange d _____.

Expédition du _____, 189 _____.

MANQUE DE COLIS.

Numéro—		Lieu d'origine.	Adresse (aussi exacte que possible).	Montant du port bonifié.	Vérification du bureau destinataire.	Observations.
D'ordre.	De l'enregistrement.					

Numéro— D'ordre.	De l'enregistre- ment.	Lieu d'origine.	Adresse—		Contenu.	Poids constaté.	Valeur déclarée.	Indication du récipient (panier, sac, &c.).
			De l'expéditeur.	Du destinataire.				

Description et cause apparente de l'avarie ou autres observations :

(G.)

MODÈLE D'AVIS POUR DEMANDER LE RETOUR D'UN COLIS.

Ou sa remise à un autre destinataire.

(Article XII, § 3, du Règlement.)

AVIS.

Dans le cas où, pour un motif quelconque, ce colis se trouverait en souffrance
prière—

(A.)* d'en faire le retour immédiat aux risques et périls de l'expéditeur
soussigné.

(B.)* de le remettre à M _____

L'expéditeur.

(Nom ou raison sociale et adresse.)

* (A.) (B.) L'expéditeur doit biffer de sa main l'alternative dont il ne fait
pas usage.

CORRESPONDANCE AVEC L'OFFICE

D _____.

COMPTÉ

Mois d _____, 189 .

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CORRESPONDENCE between Great Britain and the United States, respecting the Seal Fisheries in Behring Sea.—1895-1897.

No. 1.—*Sir J. Pauncefoot to the Earl of Kimberley.—(Received January 28.)*

MY LORD,

Washington, January 18, 1895.

I HAVE the honour to report that on the 15th ultimo the Secretary of State transmitted to me a copy of "Regulations approved by the Secretary of the Treasury for the government of vessels that may be employed in fur-seal fishing in the season of 1895."

On examining those Regulations I was inclined to think that they could hardly have received the personal attention of the Secretary of the Treasury, and they were certainly not in a form in which I could reasonably be expected to transmit them to your Lordship for the consideration of Her Majesty's Government. I therefore arranged with Mr. Gresham that I should discuss the matter personally with the Secretary of the Treasury, as I did last year with respect to the Regulations for the fishery season 1894.

I accordingly called on Mr. Carlisle at the Treasury, and pointed out to him that, so far as Great Britain was concerned, sufficient provision had been made by "The Behring Sea Award Order in Council No. 2"* (of the 27th June, 1894) to give effect to Articles 4 and 7 of the Award Regulations which relate to the special licence, the distinguishing flag, and the fitness of the men to be employed in the fishery.

It would seem that the Behring Sea Order in Council No. 2, although referring in the third recital to the arrangements made for the "present year" (1894), is of a permanent character, and unless repealed, will apply to a renewal of the same arrangements for 1895. But I gather from the correspondence with the Canadian Government that some doubt exists on this point.

In conversation with Mr. Carlisle I assumed that Her Majesty's Government desired no change of those arrangements, which had been made in pursuance of Articles 4 and 7 of the Award Regulations, and that the only question, therefore, to be dealt with was as to the renewal of the Regulations agreed on last season for the protection of sealing-vessels from unnecessary interference within the area of the Award during the close season by enabling them

rily to have their implements of fishery sealed up by the authorities.

draft transmitted to me by Mr. Gresham (Inclosure 1) ed provisions on that subject and on other matters which ot be accepted by Her Majesty's Government.

the first place, the sealing-up of arms, &c., was in one case compulsory instead of voluntary, and other restrictive pro- were inserted which were not warranted by the Award. ver, the provisions as to the sealing-up of arms appeared to me aplicated.

Carlisle, while concurring generally in my objections to the stated that the Regulations as to the voluntary sealing-up of ad worked so well, and for the benefit of the fishermen during at season, that he could not doubt the willingness of Her y's Government to renew them for 1895.

proceeded to ask me whether I would supply him with a of Regulations on the subject, such as I thought would be able to Her Majesty's Government, nearly the whole of his and attention being at the present juncture absorbed by the ey measures now before Congress. I consented to do so, ng myself, however, against committing Her Majesty's nment to any draft which I might so prepare at his request, hich I could only submit to your Lordship for consideration. dingly, a few days later I supplied Mr. Carlisle with the draft gulations for the voluntary sealing-up of arms, of which a copy Inclosure 2 of this despatch. He expressed his approval of draft, and stated that he was willing to adopt it in lieu of rovisions drafted in his Department, but, with reference to e 3, he urged that it would be very desirable, for the cou- ce of all parties, that as, by Article 6 of the Award Regula- the use of shot-guns is prohibited in Behring Sea, though ssible outside, sealing-vessels should be compelled to deposit hot-guns at Unalaska before entering Behring Sea.

e begged me to submit that proposal to your Lordship. rday I received from Mr. Carlisle a draft of Regulations revised nself, a copy of which forms Inclosure 3 to this despatch. e first three Articles merely repeat the provisions of last year ation to the special licence, the distinctive flag, and the fitness seal-hunters to be employed.

articles 4, 5, and 6 embody my own draft (Inclosure 2) in on to the voluntary sealing-up of arms, &c.

article 7 is a useful provision enabling United States' sailing- s to obtain a special licence in Japanese ports.

article 8 declares that the Regulations apply only to the season

Mr. Carlisle's revised Regulations do not appear open to any objection, and I await your Lordship's instructions on the subject. I have, &c.,

I have, &c.,

The Earl of Kimberley.

JULIAN PA

(Inclosure 1.)—Draft Regulations governing Vessel
in the Fur-seal Fishing.

ART. 1. Every vessel employed in fur-seal fishing in addition to the papers now required by law, a special license for seal fishing.

2. Before the issuance of a special licence, the sailing-vessel proposing to engage in fur-seal fishing satisfactory evidence to the officer to whom application the hunters employed by him are competent to use authorized by law.

3. Every sealing-vessel provided with special licence under her national colours a flag, not less than 4 composed of two equal pieces, yellow and black, joined at the right-hand upper corner of the fly to the left-hand corner of the luff, the part above and to the left to be black, and the right and below to be yellow.

4. Fire-arms, nets, or explosives shall not be used for taking or killing fur-seals in that portion of the coast described in the Act approved the 6th April, 1894, the Act to give effect to the Award rendered by the Tribunal at Paris, under the Treaty between the United States and Great Britain concluded at Washington the 29th February 1892, for the purpose of submitting to Arbitration certain questions relating to the preservation of Fur-seals."

5. Any vessel in a home or foreign port wishing fur-seal fishing, and to sail from such port during the months of May, June, or July, may apply, if in a port of the United States, to the Chief Customs officer, or if in a foreign port, to the Consul, to have the sealing outfit of such vessel secured, and the fact noted on her special licence for fur-seal fishing. The seal shall not be broken during the time fur-seal fishing is permitted.

6. *Sealing-vessels in the North Pacific Ocean, east of how to secure Safe-conduct to Home Port or during the months of May, June, and July.*

Any vessel having licence to hunt fur-seals in the Ocean and Behring Sea east of 180° longitude shall,

g Sea, except to proceed direct to the port of Unalaska from the Pacific Ocean, viâ passes eastward of that port, report to a consular officer of the United States, or an officer of the United States navy, and have all arms and ammunition therefor on board sealed under seal. Such seal shall not be broken during the time the vessel is in Behring Sea or fur-seal fishing is prohibited. In order to protect vessels found within the area of the Award between 1st April and the 1st August, but which have not violated the Award by improper seizure or detention, the masters thereof may, by reporting to the Commander of any cruiser or to a Customs officer, declaring that he intends to proceed to a home port or to the Behring Sea, have her sealing outfit secured under seal, and the placing of this seal shall enter the fact and date of the same in her log-book, with the number of seal-skins and bodies of seals on board, and said seal shall not be broken during the time fur-seal fishing is prohibited, except at a home port.

vessels in the North Pacific Ocean, west of 180° longitude: how to secure Safe-conduct to Home Port or to Behring Sea.

Vessels in Japanese waters or on the Siberian coast west of 180° longitude wishing to return to a home port during May, June, or July, may apply to any United States' Consular officer, and have their sealing outfits secured under seal, and the fact entered on their log-books. Such seal shall not be broken except at her home port, and such seal and entry shall constitute a sufficient protection against seizure whilst within the area of the Award on their direct return to such port.

Vessels in Japanese waters or on the Siberian coast west of 180° longitude wishing to enter Behring Sea may apply to any United States' Consular officer and have their fire-arms and ammunition therefor secured under seal, and the fact entered in their log-books. Such seal shall not be broken while in Behring Sea, and such seal and entry shall constitute protection against seizure.

Any vessel described in the preceding paragraph may obtain a licence for fur-seal fishing upon application to the United States' Consular office of any port in Japan, after furnishing the security required in Article 2.

The authority hereinbefore granted to United States' Consular officers, Customs officers, and officers of the United States' navy may be exercised by like officers in the service of the Government of Great Britain, except in ports of the United States.

These Regulations are intended to apply only to the season

(Inclosure 2.)—Draft.

FUR-SEAL FISHERY (SEASON 1895).

*Special Regulations for the Protection of Sealing
unnecessary Interference or Detention during the*

1. In order to protect from unnecessary interference within the area of the Award during the close season between the 30th April and 1st August) sealing-vessels not violating the law, any sealing-vessel lawfully intending to traverse the area of the Award during her way to her home port or any other port, the sealing-grounds, or for any other legitimate purpose the application of the master, have her sealing outfit sealed, and an entry thereof made on her clearance and such sealing-up and entry shall be a protection to the vessel from interference or detention during the close season so long as the seals so affixed shall remain unbroken. It shall be evidence of any violation of the Fishery Act if the vessel is found standing.

2. Such sealing-up and entry may be effected in presence of any Naval, Consular, or Customs officer of the nation to which the vessel belongs.

It may also be effected in the case of British vessels at the Island of Attou by any Naval or Customs officer of the United States in the absence of any British Naval or Consular officer.

It may also be effected *at sea* as regards British vessels by the Commander of a United States' cruiser, and as regards United States' vessels by the Commander of a British cruiser.

If the master shall so desire, the officer effecting the sealing-up and entry shall deliver to him a certificate of the number of seal-skins on board at that date, keeping a copy of the certificate.

3. And whereas, by the 6th Fishery Article of the Convention, the use of nets, fire-arms, and explosives are forbidden in the sealing fishery, but that restriction does not apply to shot-fishing which takes place outside of Behring Sea during the season when it may be lawfully carried on, any sealing-vessel having shot-fishing gear on board may, before entering Behring Sea, the application of the master, have the same secured under seal, and an entry thereof made on her clearance or log-book; and such sealing-up and entry may be effected in the same manner, and the same protection against interference or detention shall be afforded in Behring Sea during the season when the fishing may lawfully be carried on there, as the securing of sealing outfits under the provisions of these Regulations.

The foregoing Regulations are intended to apply only to the of 1895.

losure 3.)—Draft Regulations governing Vessels employed in Fur-seal Fishing.

Art. 1. Every vessel employed in fur-seal fishing shall have, in addition to the papers now required by law, a special licence for fur-sealing.

Before the issuance of the special licence required by the Articles of the Award, the master of any sailing-vessel proposing to engage in the fur-seal fishery shall produce satisfactory evidence to the officer to whom application is made that the hunters employed are competent to use with sufficient skill the weapons by means of which the fishing may be carried on.

Every sealing-vessel provided with special licence shall show on her national ensign a flag, not less than 4 feet wide, composed of three pieces, yellow and black, joined from the right-hand upper corner of the fly to the left-hand lower corner of the luff, the part to the left to be black, and the part to the right and below to be yellow.

In order to protect from unnecessary interference sealing-vessels within the area of the Award during the close season (that is to say, between the 30th April and the 1st August), but which have not violated the law, any sealing-vessel lawfully traversing, or about to traverse, the area of the Award during the close season may, on her way to her home port, or to or from the sealing grounds, or for any other legitimate purpose, may, on the application of the master, have her sealing outfit secured under seal, and an entry made on her clearance or log-book, and such sealing-up and seal shall be a protection to the vessel against interference or seizure during the close season by any cruiser, so long as the seals so fixed shall remain unbroken, unless there shall be evidence of violation of the Fishery Articles of the Award notwithstanding.

Such sealing-up or entry may be effected in port or at sea by any Naval, Consular, or Customs officer of the nation to which the vessel belongs.

It may also be effected in the case of British sealing-vessels at land of Attou by any Naval or Customs officer of the United States in the absence of any British Naval or Consular officer.

It may also be effected at sea as regards British vessels by the Commander of a United States' cruiser, and as regards United States' vessels by the Commander of a British cruiser.

When the master shall so desire, the officer effecting the sealing-up

and entry shall deliver to him a certificate of the number of seal-skins on board at that date, keeping a copy of the same.

6. And whereas, by the 6th Fishery Article of the Convention, the use of nets, fire-arms, and explosives is forbidden in the fur-seal fishery, but that restriction does not apply to shot-fishing takes place outside of Behring Sea during the season, any vessel may lawfully be carried on, any sealing-vessel having no ammunition on board may, before entering Behring Sea, on application of the master, have the same secured under the provisions of the entry thereof made on her clearance or log-book; and the entry up and entry may be effected in the same manner, and the vessel the same protection against interference or detention as is afforded during the season when the fishery may lawfully be carried on, as the securing of sealing outfits under the last paragraph of the Convention.

7. Any vessel of the United States may obtain a licence for fur-seal fishing upon application to the Chief Customs Officer in any port of the United States, or to the Consular officer of any port in Japan, and comply with the requirements of these Regulations.

8. The foregoing Regulations are intended to take effect from the season of 1895.

*No. 2.—Sir J. Pauncefote to the Earl of Kimberley,
February 2.)*

(Extract.)

Washington, Jan. 29, 1895.

I HAVE the honour to transmit to your Lordship the note which I received yesterday from the Secretaries of the United States in relation to the working of the Award Regulations in connection with the management of the fur-seal fishery in part of Behring Sea and the Pacific Ocean.

A strong effort is being made to reopen the whaling fishery under the Fishery Regulations, on the ground that the Award Regulations are shown by experience to have entirely failed in their object, which was the preservation of the fur-seal species, and that a speedy change be brought about in those Regulations under which the destruction of the herd must follow.

The United States' Government base that conclusion on the Returns from United States' Customs officials, and from the number of fur-seal skins in London.

In order to avert the deplorable result which they propose the immediate appointment of an International Commission in which Great Britain, the United States, Russia, and

represented by experts, eminent for scientific knowledge and acquaintance with the fur trade.

They further suggest that, pending the deliberations of the Commission, the Governments above named should agree to a *modus vivendi* under which sealing in Behring Sea should be absolutely prohibited, and the present Fishery Regulations now in force should be extended along the line of the 35th degree of north latitude from the American to the Asiatic shore, and be enforced during the present season in the whole of the Pacific Ocean and waters north of the line.

Earl of Kimberley.

JULIAN PAUNCEFOTE.

(Inclosure.)—Mr. Gresham to Sir J. Pauncefote.

Department of State, Washington,
January 23, 1895.

SIR, I HAVE the honour to inform you, for communication to your Government, of the deep feeling of solicitude on the part of the Government of the United States with regard to the future of the seal herd, as disclosed by the official Returns of seals killed at sea during the present season in the North Pacific Ocean, and at the respective custom-houses of the United States and of Columbia, and by reliable estimates of skins shipped to Europe from the Asiatic coast by way of the Suez Canal. It would appear that there were landed in the United States and Canada 121,143 skins, and that the total pelagic catch, as shown by London trade sales and careful estimates of skins transhipped in British and Russian ports, amounts to about 142,000, a result unprecedented in the history of pelagic sealing. It would further appear that the vessels engaged in Behring Sea, although only a small part of the total number employed in the North Pacific, in four weeks killed 31,585 seals—not only over 8,000 more than were killed in Behring Sea in 1891 (the last year the sea was open), but more than the total number killed during the four months on the west coast of the North Pacific this season.

The startling increase in the pelagic slaughter of both the American and Asiatic herds has convinced the President, and, it is respectfully submitted, cannot fail to convince Her Majesty's Government, that the Regulations enacted by the Paris Tribunal have not operated to protect the seal herd from that destruction which they were designed to prevent; and that, unless a speedy amendment in the Regulations be brought about, extermination of the herds must follow. Such a deplorable result should, if possible, be

avoided. The experience of the past year under the Regulations has

demonstrated that not alone are the United States and Great Britain deeply interested in the preservation of the fur seal, but Russia and Japan have interests commercially, almost equally so. Any new system of regulations of necessity should cover the whole North Pacific Ocean from the Asiatic side to the American side, and should be binding upon the citizens and subjects of all of these countries.

In order to add to our scientific knowledge upon the habits of the seal, its feeding grounds, and the effects of sealing upon the herd, and other similar questions, I deem it advisable to suggest to Her Majesty's Government, and the Governments of Russia and Japan, that a Commission be appointed, consisting of one or more men from each country, for scientific knowledge and practical acquaintance with the fur trade. This Commission should visit the Asiatic side of the Pacific as well as the American, and also the islands in the North Pacific frequent, and report to their respective Governments the effects of pelagic sealing on the herd, and the measures needed to regulate such sealing so as to protect the fur seal from destruction, and permit it to increase in such number as to permanently furnish an annual supply of skins.

I am directed by the President to propose, for the consideration of your Government and the Governments of Russia and Japan, the appointment of such a Commission, and I am further directed to suggest that during its deliberations the respective Governments agree upon a *modus vivendi* as follows:—

That the Regulations now in force be extended to the 35th degree of north latitude from the American coast, and be enforced during the coming season in the North Pacific Ocean and waters north of that line. Further, that sealing in the Behring Sea be absolutely prohibited. Report of such Commission.

Inasmuch as the sealing season will shortly commence, your fleet will leave the western coast for the sealing grounds, I suggest the necessity of speedy action in regard to the proposed regulations.

I have, &c.,

Sir J. Pouncefote.

W. G.

No. 6.—The Earl of Kimberley to Sir J. Pouncefote.

(Telegraphic.)

Foreign Office.

BEHRING SEA.

I have to instruct your Excellency to inform the Government that Her Majesty's Government have

the Agreement as to sealing-up of arms, for the following

the Agreement has not in practice, as is proved by the seizures of *l'avourite* and *Wanderer*, worked for the protection of British ships from unnecessary interference.

The Paris Award Regulations contain no provisions forbidding the possession of arms.

The United States' Government should also be reminded that naval officers have no authority to seize British vessels except by the Queen's Order in Council for offences against the British Parliament, which embodies, in a Schedule, the Regulations of the Paris Award.

Pauncefote.

KIMBERLEY.

—*Sir J. Pauncefote to the Earl of Kimberley.*— (Received May 12.)

Washington, May 11, 1895.

phic.)

ING SEA.

I addressed a note to-day to the United States' Government in consequence of your Lordship's telegram of the 9th.

Simultaneously, I received from the State Department a long note in reference to the proposal submitted to Her Majesty's Government by Mr. Gresham's note of the 23rd January, inclosed in my despatch to your Lordship dated the 24th of the same month. The new proposal of the United States' Government is to the following effect:— That pending consideration of proposal for extending, with the concurrence of Russia and Japan, protective area along 35th parallel to Asiatic coast, an immediate agreement to close Behring Sea absolutely to pelagic sealers should be come to.

That the four Powers agree to a *modus vivendi* for protection

That the Joint Commission should be appointed as previously proposed in Secretary of State's note of the 23rd January.

That the legislation for enforcement of the Award should be

By prohibition in Behring Sea of fire-arms adapted to killing

By throwing on master, as was done in Behring Sea Act of 1894, the burden of proof that his ship was not employed in contravention of the Act;

By enforced sealing-up of seal-skins and sealing implements on vessels travelling Award area during close season, under penalty of forfeiture;

By making liable to the same penalty ships not conforming to the Regulations of Award as regards logs;

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3 E

(c.) By compelling British officers to seize ships of law.

It is further asked by Secretary of State that Inspectors may be stationed at British Columbian ports for verifying British entries and logs and examining and he offers reciprocal privilege in United States Majesty's Government.

No. 8.—*The Earl of Kimberley to Sir J. Palfrey*

SIR,

Foreign Office

I HAVE received your Excellency's despatch of the 23rd January inclosing a note from Mr. Gresham of the 23rd January regarding the operation of the Regulations laid down by the Convention of Arbitration for the fur-seal fishery, and the view expressed by the President of the United States that, the Regulations in their object, further provisions are required to prevent the seals from extermination.

In order to avert this result, Mr. Gresham had proposed—

That a Commission should be appointed by the Government of Great Britain, the United States, Russia, and Japan, one or more men from each country eminent for science and practical acquaintance with the fur trade. The Commission should visit the Asiatic side of the North Pacific, the American, and also the islands which the seals frequent, to their respective Governments as to the effect of the Regulations on the herd, and the proper measures needed to regulate the seal so as to protect the herd from destruction, and permit them to be taken in such numbers as to permanently furnish an annual supply of seals.

That during the deliberations of this Commission the Governments should agree upon a *modus vivendi* as to the seal.

"That the Regulations now in force be extended to the 35th degree of north latitude from the Asiatic shore, and be enforced during the coming season on the whole of the Pacific Ocean and waters north of that latitude. Furthermore, that sealing in Behring Sea be absolutely prohibited. The Report of such Commission."

Her Majesty's Government have given the fullest consideration to Mr. Gresham in support of these proposals, but after examining attentively the information at their disposal, they have come to the conclusion that the condition of affairs is not of so urgent a nature as the President has been led to believe.

In the second paragraph of his note Mr. Gresham states :—

"It would appear that there were landed in the United States and Victoria 121,143 skins, and that the total pelagic catch, as shown by the London trade sales and careful estimates of skins transhipped in Japanese and Russian ports, amounts to about 142,000, a result unprecedented in the history of pelagic sealing. It would further appear that the vessels engaged in Behring Sea, although only one-third of the total number employed in the North Pacific, in four or five weeks killed 31,585 seals—not only over 3,000 more than were killed in Behring Sea in 1891 (the last year the sea was open), but even more than the total number killed during the four months on the American side of the North Pacific this season."

He goes on to say :—

"This startling increase in the pelagic slaughter of both the American and Asiatic herds has convinced the President, and it is respectfully submitted, cannot fail to convince Her Majesty's Government, that the Regulations enacted by the Paris Tribunal have not operated to protect the seal herd from that destruction which they were designed to prevent; and that unless a speedy change in the Regulations be brought about, extermination of the herd must follow. Such a deplorable result should, if possible, be averted."

I must, in the first place, observe that arguments based on figures which include the pelagic catch on the Asiatic or western side of the Pacific are calculated to lead to erroneous conclusions as to the working of the Regulations, and as to their effect on the seals frequenting the Pribyloff Islands.

There can be no doubt that there has been a large increase in the number of seals taken off the Japanese coast last year in comparison to any previous year. The total number taken there in 1893 was only a little over 29,000, while last year it appears from the Returns to have been not less than 51,000.

But no point has been more constantly insisted upon by those who have examined and argued the question on behalf of the United States than that the seals frequenting the eastern and western sides of the Pacific form two absolutely distinct bodies or "herds," and do not intermingle. In the opinion of the experts and Counsel employed on behalf of Great Britain, this doctrine was pushed too far. They held that a certain amount of intermingling might, and indeed did, take place in Behring Sea. But, though our knowledge of seal life is still far from complete, it may certainly be held as tolerably established that the two main bodies of seals are distinct, and that increased pelagic catch on the Japanese coast does not constitute a serious menace to the seals frequenting the Pribyloff Islands.

Whether that increased catch can be continued, and the diminution of seal life on the Asiatic side is a question still to be tested by experience.

For the present the Regulations apply to the eastern side, and their success or failure must be judged solely by the condition of the herd which they were intended to protect. I propose to examine that effect as shown by the figures in the Report of Her Majesty's Government.

From the Table printed at page 207 of the Report of the Commissioners, it appears that in the years 1889, 1890, and 1891 the pelagic catch on the eastern side was as follows:—

1889	..	..	..	..	..	..	..
1890	..	..	..	..	..	..	..
1891	..	..	..	..	..	..	..

These figures include the catch of both British and American vessels.

The figures of the American catch for later years are not available, but the Canadian catch on the eastern side for 1893, and 1894 are given in the official Report as follows:

1891	..	..	..	..	..	..	..
1892	..	..	..	..	..	..	..
1893	..	..	..	..	..	..	..
1894	..	..	..	..	..	..	..

The American catch for 1894 on the eastern side is not in the Table inclosed in another note from Mr. Gresham and the total catch on that side last year was 55,602. This, compared with the catch of 1891, shows a diminution of about 20 per cent.

In that year, though the *modus vivendi* was partly settled, the Canadian catch in Behring Sea was 29,146, whereas in 1891 only 26,425. This shows a diminution of about 10 per cent in the catch.

Her Majesty's Government have no Returns of the American pelagic catch in Behring Sea in the season of 1894, and are therefore, unable to make a comparison between the catch there in that year and in 1894. They are unable to state on what grounds Mr. Gresham has stated the total catch has been less than 23,585, when, according to their Report, the Canadian catch alone was 29,146.

Turning now to the number of vessels employed in sealing, these do not appear to have increased, but, on the whole, have decreased.

There are no trustworthy figures available as to the number of States' sealing-vessels previous to those furnished by the

Gresham, but there are full official Returns with regard to the sealing fleet, and the following Table, showing the results and operations of the fleet during the last four years, is given in this connection :—

	Number of Vessels.	Tonnage.	Number of Hunters.		Total Catch on both sides of Pacific.
			White.	Indian.	
1890	51	3,378	716	336	50,495
1891	66	4,456	961	511	46,362
1892	55	3,743	847	432	68,231
1893	59	3,866	888	518	90,485

It will be seen from these figures that the number of Canadian vessels and the number of hunters employed on them last season is about the same as in 1892, the great falling-off in 1893 being due to wrecks and losses of vessels in the previous year.

As regards the total number of vessels, both British and American, employed in the fishery, these are given at page 185 of the United States' Case before the Tribunal of Arbitration as 115 in 1891 and 123 in 1892, while in 1894 they were only 92, a most marked decrease.

The number of vessels and of men employed on them having decreased, while the total catch on both sides of the Pacific undoubtedly increased, it is clear that there has been a general increase in the average catch per man and per vessel. This is no doubt due in considerable degree to increased efficiency, to the fact that under the Regulations the use of the spear has largely replaced that of fire-arms, and that consequently fewer of the seals shot or lost are lost. Much is probably the result of those accidental circumstances of weather and climate which go to make a good sealing season; but the fact tends also to show that more seals were killed than before, and, from this point of view, the increased catch does not point to any imminent danger of extinction of the seals.

As regards the effect of the Regulations on the number of seals killed on the Pribyloff Islands, it seems premature to attempt to form an opinion.

Her Majesty's Government have noted the fact, which is not stated by Mr. Gresham, but has been stated on authority, that only 100 seals were allowed by the United States' Treasury Agent to be killed on the Pribyloff Islands during the last season. It is a matter of the question which deserves attention; but in the absence of information as to the standard weight of skins and other condi-

tions fixed by that officer, it is not possible to estimate the significance of this restriction. It does not, however, point to any grounds of immediate apprehension that seals could be taken in 1890, though the standard of sealings is undoubtedly low.

In any case, as the number of seals taken outside the American side was, owing to the Regulations, unusually small, and pelagic sealing does not begin in that month of August, by which time killing on the islands is over, that the small take on the islands was not due to the Regulations, but to the pelagic catch of last year.

Taking all these circumstances into consideration, the Government cannot agree that any sufficient evidence exists to show that the Regulations have failed in their object, or that there is such urgent danger of total extinction of the seals as to require a departure from the Arbitral Award by which the Governments have solemnly bound themselves to abide.

The Arbitrators had before them all the information relating to the condition of the herd and the results of pelagic sealing. They considered the resources of both nations could supply, and after due consideration they, in the judicial exercise of their discretion, fixed the period of years as the period after which the Regulations must be revised. Only one year has elapsed, and beyond the fact that the sealers have scrupulously adhered to the Regulations, and that in a successful season, there is no substantial ground for the contention that the period for revision of the Regulations has expired, the Arbitrators ought to be so materially curtailed.

To set aside their authority upon so slight a ground, and to give the opinion of Her Majesty's Government, be a most serious departure from the authority of arbitral decisions, and to the general principle of arbitration which both Governments have it at heart to maintain.

Her Majesty's Government are, however, anxious to exercise their power to contribute to a fair and thorough examination of the facts connected with the seal fishery, and to the adoption of any measures which may be necessary for the preservation of the species. They have examined carefully the facts contained in Mr. Gresham's note in order to see how far any of them could be accepted with this view, having in mind the important British interests involved.

As regards the proposed *modus vivendi* for the seal fishery, Her Majesty's Government regret that they find them unable to accept this proposal.

Even if some adequate grounds had been shown for the adoption in the interest of the fishery, it is to be regretted that the sealers have already almost all started, and a

over the whole breadth of the North Pacific, where it is impossible to warn them.

They have made their preparations on the assumption that the interference and interruption to which their industry has been subject more or less for the last ten years had at length come to an end, and that the conditions under which it might be prosecuted had last acquired some permanence and stability.

To spring upon them again in the midst of their operations so urgent a proposal as that of the United States would be an act of great injustice, and would involve Her Majesty's Government in the payment of heavy compensation.

The measure suggested would, in fact, put an end to pelagic sealing, as it would leave only the four first months of the year, when on various causes comparatively few seals are caught, while the sealers would have to lay their vessels up during the remaining two-thirds of the year. The adoption of such a restriction under present circumstances, and upon the only grounds which can be adduced to justify it, would be almost tantamount to an announcement that, whenever there has been a successful pelagic fishing, steps will at once be taken to prevent the recurrence of such an event.

Nor can Her Majesty's Government believe that the appointment at present of an International Commission such as is suggested by Mr. Gresham would lead to any useful result.

It will be remembered that the Commissioners appointed by the United States and Great Britain, who visited the islands in 1891 to examine this same question, found themselves unable to agree except as to a few vague general statements, and presented Reports in which they differed widely, not only as to the remedial measures necessary, but even as to many of the most important facts in seal life, and only the same result can be expected from a second more numerous Commission.

Such Commissioners, it must be borne in mind, can only be on the islands for a few weeks at most, while the period during which the seals frequent the islands extends from May to October or November, and the phases of seal life exhibited are constantly changing.

The question to be dealt with is the progress and the growth or decrease of the herd, and the information required to enable it to be effectively grappled with can only be gathered by continuous observations carried on constantly during the greater part of the period that the islands are resorted to by the seals, and extending over a series of years. The new Commission might, no doubt, be able to gather some new facts as to seal life, but nothing but continuous and comparative study could qualify it to form a judg-

ment as to the effects which the pursuit of the seal slaughter on land is producing on the herd, and remedial measures with confidence and authority.

Instead of such a Commission, though possibly step to its appointment, Her Majesty's Government the appointment of Agents to reside on the seal collect authoritative information by observation extend over such a period as will be sufficient to enable to be formed of the effect of the fishing upon the seal herds.

If such Agents appointed by the United States and Great Britain were to conduct investigations jointly during the next years, both Governments would by that time be able to ascertain the particulars derived from the sealers' logs and other sources of information which would enable the two nations to consider the question of revising the Regulations in a thorough manner, and to protect, as far as possible, the numerous interests involved in the seal fishery.

Her Majesty's Government do not wish, however, to stand as desiring to postpone all discussion until the Agents would naturally make their reports at regular distant intervals, and if the facts disclosed in their reports and information obtained from other sources, should at any time state of things urgently calling for remedial measures, Her Majesty's Government would be willing at once to discuss with the Government of the United States, the measures which could best be applied. Similarly they wish to do what is in their power to obtain early Returns of the seal fishery during the present year, in order that they may be able to discuss by the two Governments at the first practicable moment.

If these proposals recommend themselves to the Government of the United States, it might be desirable also to discuss them with the Russian Government with a view to the appointment of Agents on the Commander Islands. There is little reliable information available in regard to the conditions of the seal fishery on these islands, and as the Russian Government desire that the provisions made by the Arbitrators for the eastern side of the island should be extended to the western side, it seems that there should be inquiry how far such extension would be applicable.

Your Excellency is authorized to read the Report of Mr. Gresham, and, if he should so desire, to give him an opportunity to be heard.

I am, Sir,

Sir J. Pauncefote.

No. 9.—The Earl of Kimberley to Sir J. Pauncefote.

SIR,

Foreign Office, May 17, 1895.

I HAVE informed you in my despatch of this day's date that, instead of an International Commission, as suggested in Mr. Gresham's note of the 23rd January, Her Majesty's Government propose the appointment of Agents to reside on the seal islands, and to collect authoritative information by observations, which should extend over such a period as will be sufficient to enable a judgment to be formed of the effect of the fishing upon the preservation of the herds.

As the season is advancing, it would be necessary that the Agents should proceed to the islands without delay if any investigations are to be carried out during the present year, and I therefore request that your Excellency will call Mr. Gresham's immediate attention to the proposal, and report his reply by telegraph. Should it be in the affirmative, communication could at once be made to the Russian Government with regard to the appointment of similar Agents on the Commander Islands.

I am, &c.,

*Sir J. Pauncefote.***KIMBERLEY.***No. 10.—The Earl of Kimberley to Sir J. Pauncefote.*

(Telegraphic.)

*Foreign Office, May 18, 1895.***BERING SEA.**

I have received your Excellency's telegram of the 11th instant, reporting the proposals made by the United States' Government.

In my despatch of yesterday's date I have instructed your Excellency to inform the United States' Government that Her Majesty's Government cannot without further evidence assent to the proposals contained in Mr. Gresham's note of the 23rd January last, and this refusal applies equally to the suggestions contained in paragraphs 1, 2, and 3 of your telegram.

Her Majesty's Government have refused to renew the Agreement for sealing arms, and this covers the suggestions noted as (a) and (c) in paragraph 4 of your telegram.

It would be impossible for the sealers to get rid of arms lawfully used outside the Award area, where their possession is not forbidden.

The suggestion (b) for throwing the burden of proof on the master of the vessel would increase the danger of seizure on insufficient grounds.

With regard to the suggestion (d) as to the punishment for

infringing the regulations as to logs, in many cases forfeiture would be too severe a penalty if the alternative of a fine, provided by the Behring Sea Award Act, were withdrawn.

The United States' Government ask (2), that it may be made imperative on British naval officers to seize vessels infringing the law. This is already provided by the Award Act, and the Admiralty instructions to cruisers make the point quite clear.

The appointment of inspectors for the examination of the skins as to sex is not acceptable. Sealers are bound to keep a record of sex, and it would only be in the case of skins taken outside the Award area, with which the United States have no special concern, that examination would be of use.

No. 11.—Sir J. Pauncefote to the Earl of Kimberley.—(Received May 24.)

MY LORD,

Washington, May 14, 1895.

ON receipt of your Lordship's telegram of the 9th instant, instructing me to inform the United States' Government that Her Majesty's Government would not renew the sealing-up of arms agreement, and to remind them that their naval officers have no authority to seize British sealing-vessels except under the Order in Council* for offences against the British Act of Parliament which embodies the Paris Award Regulations,† I addressed a note to Mr. Gresham carrying out your Lordship's instructions.

A copy of this note I now have the honour to forward to your Lordship herewith.

I have, &c.,

The Earl of Kimberley.

JULIAN PAUNCEFOTE.

(Inclosure.)—Sir J. Pauncefote to Mr. Gresham.

SIR,

Washington, May 11, 1895.

IN an informal note dated the 15th December, 1894, you were good enough to transmit to me, for my information, a copy of "Regulations approved by the Secretary of the Treasury for the government of vessels that may be employed in fur-sealing in the season 1895." As it was desirable that Regulations on that subject by our respective Governments should be substantially in accord, it was arranged that I should discuss the matter personally with the Secretary of the Treasury, as I had previously done with respect to the Regulations for the season of 1894. The result of my discussion with Mr. Secretary Carlisle was that on the 17th January last I received from him a modified draft of Regulations which he

* April 30, 1894. Vol. LXXXVI, page 99.

† 57 Vict., c. 2. Vol. LXXXVI, page 76.

proposed to recommend to the President, and which I promised to transmit to my Government for their concurrence.

I submitted the draft at the time to Her Majesty's Government, who have most carefully considered it with reference more particularly to the proposed renewal and extension of the arrangement of last year for the voluntary sealing-up of arms, &c., under Articles 4, 5, and 6.

As regards Articles 1, 2, and 3, which relate to the special licence, the distinguishing flag, and the fitness of the men to be employed in the fishery, sufficient provision has already been made on the side of Great Britain (in pursuance of Articles 4 and 7 of the Award Regulations) by "The Behring Sea Order in Council, 1895," of which I had the honour to communicate a copy to you in my note of the 6th March last. As regards the renewal and extension under Articles 4, 5, and 6 of the draft Regulations, of the provisions of last year for the voluntary sealing-up of arms, &c., I have now received the observations of my Government thereon, and I am instructed to inform you that, in their opinion, the arrangement in question has not in practice been worked for the protection of British sealers from interference, as Her Majesty's Government had hoped would have been the case.

This is proved by the seizure of the British sealing-vessels *Wanderer* and *Favourite*. The possession of arms, &c., by a sealing-vessel within the area of the Award during the close season is not, as you are aware, forbidden by the Award Regulations, and for the above reasons Her Majesty's Government are not prepared to renew the arrangement. No necessity therefore arises for any further concurrent Regulations such as were proposed by Mr. Secretary Carlisle.

It appears from the cases of the *Wanderer* and the *Favourite*, the particulars of which were laid before Congress (see Ex. Doc. No. 67, pp. 341 and 386), that the United States' naval officers who effected the seizures were under the erroneous impression that they were empowered to apply the legislation of the United States to those vessels. Thus, in the case of the *Wanderer* Commander Goodrich writes: "My action is based on section 10 of the Act of Congress of the 6th April," and in the case of the *Favourite*, Commander Clark attempts to justify the seizure under the same section of the Act of Congress.

It is hardly necessary to point out that United States' naval officers have no authority to seize British sealing-vessels except under the British Order in Council of 1894 (No. 1) for offences against the British Act of Parliament ("The Behring Sea Award Act, 1894"), which embodies the Paris Award Regulations.

It is hoped that instructions in the above sense will be issued to

the United States' naval officers employed in the discharge of those Regulations.

I have, &c.,

W. Q. Gresham, Esq.

JULIAN P.

No. 12.—*Sir J. Pauncefote to the Earl of Kimberley*
(May 29.)

(Telegraphic.)

Washington

I HAVE carried out the instructions contained in the despatch of the 17th instant on the subject of the Fisheries Regulations by Her Majesty's Government for the better protection of the fisheries, but the reply to my note will no doubt be the death of the Secretary of State.

No. 13.—*Sir J. Pauncefote to the Earl of Kimberley*
(May 30.)

MY LORD,

Washington

IN my despatch of the 14th instant, I had the honour to send to your Lordship a copy of a note on the subject of the Fisheries Regulations, which I addressed to the Government, announcing the decision of Her Majesty's Government not to renew the arrangement respecting the sealing-up of arms and implements of fishery, which was adopted at the close of the seal fishery season, 1894.

That decision has given great dissatisfaction to the Government, and it is made the occasion of more invectives in the press against Great Britain; some ignorance of the true facts of the case, going so far as to allege that Her Majesty's Government now refuse to put in force the Paris Award Regulations.

I have the honour to inclose copy of a note, of the 17th instant, which I have received on the subject from the Secretary of State, and of my reply thereto.

Mr. Uhl, in that note, expresses the deep regret of the President at the decision of Her Majesty's Government, having been communicated at so late a period. He mentions certain reasons, which he develops at considerable length, and states that the Government were entitled to assume that Her Majesty's Government had assented to the renewal of the arrangement.

He states, nevertheless, that his Government accept the decision, but they request that British naval officers may be permitted to continue the sealing-up of arms in the case of American vessels, if they should be requested to do so, in accordance with the President's Proclamation on the subject. He states that instructions have been sent to the naval officers of the

atrolling fleet, which clearly define the powers intrusted to them. It may be hoped, therefore, that the result of the present discussion will be to obviate a recurrence of any excess of authority on the part of United States' cruisers during this year's fur-seal fishery season.

I have, &c.,

The Earl of Kimberley.

JULIAN PAUNCEFOTE.

(Inclosure 1.)—Mr. Uhl to Sir J. Pouncefote.

EXCELLENCY,

Washington, May 18, 1895.

I HAVE the honour to acknowledge the receipt of your note of the 11th instant, communicating the declination of your Government to agree upon concurrent Regulations for carrying out the provisions of the Paris Award during the present season. The reason assigned therefor is, that the provisions of the Award relating to the special licence and distinguishing flag are already provided for in the British Order in Council of the 2nd February last, and that concurrent Regulations similar to those agreed upon for last season by the respective Governments as to outfit and arms of sealing-vessels are not considered necessary for the present season, inasmuch as, within the Award area and during the close season, the possession by vessels of said outfit and arms is nowhere forbidden by the terms of the Award. As regards the Regulations for last season you are instructed to inform me that, in the opinion of Her Majesty's Government, "the arrangement in question has not, in practice, been worked for the protection of British sealers from interference, as Her Majesty's Government had hoped would have been the case;" and in this connection specific reference is made to the seizure by United States' officers of the British vessels *Wanderer* and *Favourite*. You further call my attention to the statement, drawn from the correspondence laid before Congress (Senate Ex. Doc. No. 67, pp. 341 to 386), that the United States' naval officers who effected the seizures were under the erroneous impression that they were empowered to apply the legislation of the United States of the 6th April, 1894, to those vessels, whereas those officers have no authority to seize British sealing-vessels except under the British Order in Council of 1894 (No. 1) for offences against the British Act of Parliament of 1894 which embodies the Paris Award Regulations; and you therefore request that United States' officers engaged in patrolling the Award area during the present season be instructed accordingly. Your present note is the first intimation received from Her Majesty's Government that the jointly-drafted concurrent Regulations for the season of 1895 had not been accepted by your Government. The original draft of those Regulations was transmitted by the Secretary of State to

you on the 15th December, 1894, for the approval of the President. Subsequently, an understanding having been arrived at whereby you were to confer directly with the Treasury on the subject, a number of interviews were held between the Secretary Carlisle and Assistant Secretary Hamlin. In the course thereof, as I am informed, you submitted a draft of proposed concurrent Regulations, containing suggested improvements over the draft submitted by the Treasury, and after preliminary negotiations, covering a considerable time, a final draft was agreed upon satisfactory to you and the Treasury, an understanding being, that one copy thereof should be forwarded to the President for his approval and promulgation; while you should forward a copy for the approval of Her Majesty's Government, and for inclusion in an Order in Council shortly to be issued, you having stated that it would be necessary to embody the Regulations in a new Order in Council, for the reason that the Regulations bearing on the subject was limited in its operation to the season of 1894.

The President approved and signed those Regulations on the 18th January last, understanding that they had been forwarded to the Treasury for approval, and would be forwarded by you to the President, as above stated. While it was not understood that the President had authority to bind your Government, or had undertaken to do so without a formal transmission of the proposed Regulations, yet the Secretary of the Treasury had every reason to believe that the draft agreed upon by him and you would be promulgated by the British Government, or its declination as proposed. In point of fact, this Government has had cause to suppose that the draft Regulations had been actually promulgated, an arrangement made between the two Governments, for this supposition being the formal terms of the Order in Council, mentioned in your note ("Behring Sea A. Council, 1895"),* which bears date the 2nd February 1895, and which provides that a copy of those proposed Regulations must be forwarded to the possession of Her Majesty's Government, it having been agreed on the 17th January for transmission. The preamble of the Order recites that, "Whereas arrangements have been made between Her Majesty's Government and the Government of the United States, giving effect to the Articles 4 and 7 of the scheduled Convention, it is expedient that effect should be given to those arrangements by an Order in Council"

The word "arrangements," as thus used, can only refer to the proposed Regulations for the season of 1895, which were approved by yourself and Secretary Carlisle, for no other Regulations have been proposed.

* Vol. LXXXVII, page 645.

Regulations than that contained in such Regulations has been entered into this year between the respective Governments as to any of the provisions of the Award, and the arrangements for last season were obsolete and non-existent, having been in terms limited to the sealing season of 1894. It may be suggested that the word "arrangements" in the Order in Council of the 2nd February last cannot refer to the draft of Regulations approved the 18th January last by the President, for the reason that no specific mention is made in said Order as to the provisions of said draft Regulations for securing under seal the outfit and arms of sealing-vessels. The special licence and distinguishing flag, however, were the only matters covered by the said draft of Regulations which depended, as regards British vessels, for their validity upon, and received their binding force from, said Order in Council. It will be noted in this connection that the Order in Council of the 27th June, 1894, likewise contains no reference to the duty of securing the outfit and arms under seal, although the mutual agreement upon which said Order and the Regulations of 1894 were based contained a similar provision imposing upon sealers said duty. That this word "arrangements" can only refer to the agreement or understanding between Secretary Carlisle and yourself, upon which said Regulations were based, is made clear by the use of the same words in identical context in the previous Orders in Council of the 30th April and the 27th June, 1894, respectively. In the first of these it was recited that, "Until arrangements for giving further effect to Articles 4 and 7 of the said scheduled provisions shall have been made between Her Majesty's Government and the Government of the United States, the following provisions shall have effect . . ."

Subsequently to this Order, to wit, on the 4th May, 1894, the President of the United States signed and approved Regulations for the season of 1894, based upon an Agreement made by yourself and Mr. Gresham for the respective Governments Articles 7 and 8 of which provided for a special licence and distinguishing flag.

The Order in Council following, on the 27th June, 1894, contains this significant language:—

"And whereas arrangements have been made for giving further effect to the said Articles, and for regulating during the present year the fishing for fur-seals in accordance with the said scheduled provisions . . ."

It is thus seen that the first Order in Council of the 30th April, 1894, recites the pendency of arrangements, while the second Order of the 27th June, 1894, recites such arrangements (of the 4th May, 1894) as having been actually made; and therefore the word "arrangements," as severally used in these Orders, could only

mean the preliminary Agreement upon which was based the Regulations of 1894, which Agreement, as above stated, was expressly limited by its terms to the sealing season of 1894, and was non-existent when the present Order was issued.

By every sound principle of interpretation and precedent, therefore, this Government was entitled to regard the reference to "arrangements" in the Order in Council of the 2nd February last, as relating only to the agreement reached in the draft Regulations furnished to you the 17th January last, and transmitted to your Government—which Regulations were approved by the President as above stated—and to hold that Her Majesty's Government, by necessary implication, had ratified and recognized as subsisting the proposed Regulations submitted as above, by the passage of the Order in Council of the 2nd February last. We are, however, constrained to accept your note of the 11th instant as a formal notification of the non-concurrence in the same by Her Majesty's Government.

It is my duty to express the deep regret of the President that the British Government should have communicated its declination at this late period of the season, after our Consuls have been instructed and the patrolling fleet of the United States has sailed under orders based on the legitimate assumption that the privilege of sealing-up afforded by said Regulations was to be accorded during the present season as during last season to British as well as American vessels.

It is further to be regretted that what appears to be the chief reason assigned for this declination—namely, the seizure of the steamers *Wanderer* and *Favourite*—should not have prompted a timely refusal to enter upon negotiations for Regulations, thus saving much trouble and uncertainty, which now appear to be unavoidable. The British fleet engaged in sealing last season numbered sixty vessels; of these, the *Wanderer* and *Favourite* were the only ones seized by United States' officers, and these seizures were made because of a direct infraction of the Regulations of 1894, agreed upon as above stated by both Governments. The *Wanderer* was seized on the 9th June, 1894, and the *Favourite* on the 7th August, 1894. The master of the *Wanderer*, before the seizure, stated to the boarding officer that all his arms were sealed up, which, upon examination, was found not to be true. No objection has ever been made by Her Majesty's Government because of these seizures until the present time.

The case of the *Wanderer* was made the occasion of the Department's note to Mr. Goschen of the 19th November, 1894, communicating the full report of the naval officer in command. That seizure, like that of the *Favourite* also, was made because of a direct infraction of the Regulations of 1894, agreed upon as above

ated by both Governments; and that being the case, it is, I submit, quite immaterial whether the United States' naval officer effecting the seizure was under an erroneous impression that the United States' Act of the 6th April, 1894, was concurrently applicable to the case.

No correspondence whatever between the two Governments appears on record with regard to the seizure of the *Favourite*, but the date upon which it was effected—the 27th August, 1894—justifies the supposition that the facts in regard thereto, as were certainly the facts in regard to the seizure of the *Wanderer*, were in possession of Her Majesty's Government during all the preliminary negotiations between yourself and Secretary Carlisle from the 15th December, 1894, to the 17th January last; and this Government is at this late date for the first time informed that those seizures are made the ground for the refusal by Her Majesty's Government to adopt concurrent Regulations for 1895.

In view of your present communication on the 11th May, it is presumed that no British sealing-vessel now at sea has applied, or will hereafter apply, for the privilege of having its outfit and arms sealed up. The officers of the United States' patrolling fleet will, however, be instructed that the failure of a British vessel to have her outfit and arms secured under seal is not a violation of the Paris Award or of the British Act of Parliament; they will also be instructed to refuse to grant this privilege in the future to British vessels. Similar instructions will at once be given to our Consuls in Japanese and British Columbian ports.

Notwithstanding this, I have the honour to request, through you, that Her Majesty's Government shall notify its officers engaged in patrolling the Award area to seal up the outfit and arms of American vessels applying for this privilege, in accordance with sections 4, 5, and 6 of the Regulations promulgated by the President on the 18th January last.

With further reference to the precise complaint which your present note of the 11th May appears to convey concerning the seizures of the *Wanderer* and *Favourite* and your request based thereon, I beg to further inform you that the instructions already given to United States' officers as to patrolling the Award area during the present season will not admit of any other doubt as to the proper scope and limitation of the Act of Congress approved on the 6th April, 1894.

I have, &c.,

Sir J. Pouncefote.

EDWIN F. UHL, *Acting Secretary*.

(Inclosure 2.)—*Sir J. Pouncefote to Mr. Uhl.*

SIR,

Washington, May 20, 1895.

I HAVE the honour to acknowledge the receipt of your note of the 18th instant in reply to mine of the 11th, in which I announced the decision of my Government not to renew for the season 1895 the experimental arrangement for the voluntary sealing-up of arms and implements of fishery which was adopted last season with a view to the better protection of sealing-vessels against unnecessary interference within the area of the Behring Sea Award during the close season. You informed me that, pending the reply of my Government to that proposal, its acceptance had been inferred by your Government from the delay in the reply as well as from the language of the British "Behring Sea Award Order in Council, 1895." You base that inference on the recital in that Order in Council which states that "certain arrangements had been made between our respective Governments," and you conclude that the word "arrangements" must be held to include the agreement or understanding between Secretary Carlisle and myself respecting the renewal of the sealing-up of arms arrangement.

In the first place, I beg leave to remind you that, as explained in my note of the 11th, there was no "agreement or understanding" between Secretary Carlisle and myself except that I should refer his draft of proposed Regulations for 1895 (of which a copy was inclosed in my note) to my Government for their approval and concurrence.

In the next place, it appears to have entirely escaped the observation of your Government that the "arrangements" mentioned in the Order in Council of 1895, as well as in all previous British Orders in Council as having been made between the two Governments, are expressly stated to be arrangements for giving effect to Articles 4 and 7 of the Regulations prescribed by the Behring Sea Award, which relate to the form of licence, the distinctive flag, and the fitness of the men employed. No inference, therefore, could possibly arise from the language of the Order in Council, that the arrangements therein mentioned extended to the proposed renewal of the arrangement respecting the sealing-up of arms. "*Expressio unius est exclusio alterius.*"

As regards the delay on the part of Her Majesty's Government in replying to the proposal, it should be borne in mind that the question was one calling for careful inquiry into the working of the arrangement during the season 1894. As before mentioned, it was an experimental measure designed for the protection and convenience of the masters of sealing-vessels, who themselves objected to it after the experience of one season.

Moreover, it led to the seizure of two British sealing-vessels by United States' cruisers under a misapprehension by the naval officers concerned as to their legal powers, and in violation of the agreement between the two Governments of the 4th May, 1894 (see Ex. Doc. No. 67, p. 120), which declared that unless there should be evidence of seal hunting, no sealing-vessel should be seized or detained merely on account of seals, seal-skins, or fishery implements being found on board. A lengthened inquiry into the whole working of the arrangement therefore became necessary before Her Majesty's Government could be expected to arrive at a conclusion. They will learn, no doubt with satisfaction, that the instructions which you mention have been sent by your Government to the officers of the United States' patrolling fleet, and I shall not fail to transmit to them a copy of your note by the earliest opportunity.

I have, &c.,

E. F. Uhl, Esq.

JULIAN PAUNCEFOTE.

No. 14.—*Sir J. Pauncefote to the Earl of Kimberley.*—(Received May 30.)

MY LORD,

Washington, May 21, 1895.

I HAVE the honour to inform your Lordship that I delayed the transmission of a further note from the United States' Government, dated the 10th, on the subject of the fur-seal fishery, and which I had requested the Acting Secretary of State to reconsider, with the view to the correction of an error of fact which appeared in it.

The note was only returned to me by Mr. Uhl to-day, and I have the honour to inclose a copy of it.

The passage to which I took exception will be found in brackets (see page 808), where it is made to appear that Article 4 of the Regulations proposed by the United States' Government for 1895 is now in force, while, on the contrary, Her Majesty's Government have declined to adopt it.

In returning the note to me, Mr. Uhl informed me, in an unofficial letter, that, in view of the facts set forth in his note of the 18th instant relative to the refusal of Her Majesty's Government to renew the arrangement as to the sealing-up of arms, there seemed to be no occasion to modify the passage in question.

Copies of Mr. Uhl's note of the 18th instant, to which he refers, and of my reply thereto, are inclosed in my despatch of to-day's date.

I have, &c.,

The Earl of Kimberley.

JULIAN PAUNCEFOTE.

(Inclosure.)—*Mr. Uhl to Sir J. Pouncefote.*

EXCELLENCY, *Department of State, Washington, May 10, 1895*

ON the 23rd January last the Secretary of State had the honor to address you an important communication respecting the President's deep solicitude with regard to the future of the Alaskan seal-herd, and suggesting to Her Majesty's Government that a Commission be appointed on behalf of Great Britain, Russia, Japan and the United States to investigate and report touching the effect of pelagic sealing, and the proper measures needful to regulate such sealing so as to protect the herd from destruction, and permit it to increase in such numbers as to permanently furnish an annual supply of skins; and, furthermore, proposing that during the deliberations of such a Commission a *modus vivendi* be agreed upon extending the area embraced in the Regulations of the Paris Tribunal along the line of the 35th degree of north latitude to the Asiatic shore, and absolutely prohibiting sealing in Behring Sea pending the Report of such Commission.

At the date of that proposition, but little time remained available for reaching an agreement between the two Governments parties to the Paris Award which could be made effectual during the present sealing season, and for obtaining the concurrence of the other Governments interested—Russia and Japan, and early action upon the subject was naturally expected. This Department is, however, yet without information as to whether Her Majesty's Government is prepared to take effective steps, as suggested, to check the appalling diminution of the Alaskan seal-herd within the area of the Award, and avert the imminent destruction of the important industries to which the seal fisheries give rise.

At this late day, the proposition for a quadruple investigation and report can scarcely be executed during the present year, and while it remains a matter for urgent consideration in provision of next year's needs, the delay brings into more immediate and urgent prominence the second branch of the proposal, and especially the imperative need of agreeing upon the absolute closure of Behring Sea to pelagic sealing until the four Governments may reach a convenient accord on the general features of the problem.

Extended consideration of the subject since Mr. Gresham's note of the 23rd January was written has not only confirmed the grave apprehensions then expressed, but has forced upon this Government the conviction that further suggestions designed to expand the mutual agreement the scope of the Paris Award, in order to make it more effective for the purpose of preserving the fur-seal herd, are warranted by the information now in possession of this Government.

The sealing season of 1894 was the first during which the provisions of the Paris Award were applicable, and the pelagic catch of seals, both without and within the area defined in the Award, proved to have been the largest ever known.

The statistics of the seal catch, as estimated in another note addressed to you by the Secretary of State on the same day, the 23rd January, are confirmed by later knowledge. Reliable information discloses that 138,323 skins taken by pelagic sealers in the North Pacific and in Behring Sea, from the American, Russian, and Japanese herds during the season of 1894, were sold in London. Careful estimates show that about 3,000 were retained in the United States for dressing and dyeing, making a total of 141,323. To this should be added about 800, which were known to have been on a vessel believed to have been lost, making the total catch about 142,000, of which 55,686 were taken within the area covered by the Paris Award.

The following Table gives the number of skins taken by pelagic sealers within said area during the years 1890 to 1894, inclusive:—

1890	..	..	..	..	..	..	..	40,809
1891	..	..	..	..	..	..	..	45,911
1892	..	..	..	..	..	..	..	46,642
1893	..	..	..	..	..	..	..	28,613
1894	..	..	..	..	..	..	..	55,686

It may be estimated, within moderate bounds, that these figures represent only about one-third of all the seals killed, the bodies of the greater part not being recovered.

An examination of these figures must satisfy the most sceptical mind that the fur-seal herd will be speedily exterminated unless the scope and the details of the Award shall be supplemented by enlarged regulation.

So far as the Articles of the Award relating to the North Pacific Ocean, exclusive of Behring Sea, are concerned, whereby all seal-fishing from May to August is forbidden, much good has been accomplished, and favourable results were apparent on the breeding islands early in the season. The fatal defect in the scope of the Award, however, was in opening Behring Sea during August and September to pelagic sealing, and prohibiting only the use of fire-arms.

It has been claimed, and there is evidence in support of the claim, that the spear is as destructive in Behring Sea as the shot-gun, and some experts believe that even greater destruction is accomplished by the use of the spear than by guns; for the reason that the noise of the latter frightens away many seals which may be easily killed while sleeping on the water by spearsmen. While the

herd is travelling in the North Pacific Ocean, away from the coast, it is very difficult to kill seals with spears, as they are always swimming, and rarely found asleep on the surface. However, the females leave their pups on the islands at a distance of 100 to 200 miles, far beyond the zone, to feed. They are there found in large numbers in the water, and can easily be killed by the silent and deadly harpoon. The large number of pups found dead from starvation on islands during the latter part of September and October, 12,000 by actual count on the accessible parts of the islands, and 20,000 in all by careful estimates—shows the desirability of permitting any pelagic sealing whatever in Behring Sea, the closure of that sea to pelagic sealing, and with the opening of the closed season in the North Pacific Ocean as provided by the Paris Award, it is believed that the seals would receive a fair degree of protection, whereby seal-fishing might be made profitable both on land and sea for a long time. Such a restriction in the scope of the Award, however, will be exterminated for all commercial purposes in a few years at the most, and the dependent industries and other considerations, joined to the official figures of last year, which are now definitely known, fully bear out the necessity of the proposals made in Mr. Gresham's report of January, making it more than ever the President's duty to recall to the attention of Her Majesty's Government the form and scope of the Paris Award, and the necessity thereunder, for carrying out its provisions, especially as provided by the British Government; and I am directed by the Secretary of State earnestly to renew through you the endeavours already made to secure by mutual arrangement appropriate limitations and sides, in order that the object of the Award, to provide for the regulation of the fur-seal fisheries for the mutual benefit and satisfaction of the citizens and subjects of the two countries, might be accomplished.

The contention of Her Majesty's Government that the Award is framed for the purpose of carrying out the provisions which are co-extensive with, and limited by the terms of, the Award, seem to be sound, but this circumstance makes it incumbent upon the two parties to consider the circumstances in which the Award fails to provide for contingencies which the year's experience has shown should be promptly met. The remedy seems effective except through concurrence of the two Governments, by insisting on following the Award, only emphasizes the glaring defects that it illustrates the need of an agreement to cure them.

One of the most radical infirmities of this character, so conspicuous as to amount to a miscarriage of the undoubted purpose of the Award itself, is found in Article 6, which prohibits the use of fire-arms and explosives in fur-seal fishing, the only exception being shot-guns when used outside of Behring Sea. This prohibition is directed simply against the use of these weapons for one particular purpose, that of killing fur-seal, leaving the possession and use lawful for all other purposes, such as killing whales, walrus, sea-otter, hair-seal, and other animals found within Behring Sea. Experience has shown it to be almost a practical impossibility to detect a sailing-vessel in the act of using fire-arms for this one prohibited purpose. Although the searching officer may be morally certain that fire-arms have been used, and may properly consider the mere presence of fire-arms on the vessel, if accompanied with bodies of seals, seal-skins, or other suspicious evidence, sufficient justification (even apart from the provisions of section 10 of the Act of Congress of the 6th April, 1894,* which is applicable only to American vessels) for the seizure of such a vessel, it must be apparent that in proceedings for condemnation brought in a Court thousands of miles away from the place of seizure, it will be almost impossible to secure conviction and forfeiture on the ground of illegal use of weapons. Furthermore, under the procedure necessarily following the seizure of a British vessel, the United States' officer delivers the vessel, with such witnesses and proof as he can produce, to the Senior British Naval Officer at Unalaska. At the trial no Representative of our Government is present, and the British Government must conduct the prosecution, and must trust to such proofs and witnesses as the American officer could collect and furnish at the time. Under such circumstances, forfeiture of the vessel could not be secured except in the clearest cases of guilt.

The prohibition of the use of fire-arms in seal fishing in Behring Sea can be effectually accomplished only by prohibiting the possession of fire-arms in that sea adapted to the killing of seals.

The provision of section 10 of the Act of Congress of the 6th April, 1894, by which a presumption of a legal use from the possession of implements forbidden then and there to be used is raised, aids materially the enforcement of the Award in the case of American vessels, to which, as I have said, our Act alone applies. It is greatly to be regretted that no equivalent provision is found in the British Act of Parliament, enacted the 18th [? 23rd] April, 1894, for carrying out said Award; and in this connection it is significant that in the prior Act carrying out the *modus vivendi* of the 15th June, 1891, for the prohibition of all sealing in Behring Sea

(54 Vict., cap. 19)* a provision similar to the Congress above cited was inserted as follows :—

“If a British ship is found within Behring Sea thereof fishing or shooting implements, or seal-skins, it shall lie on the owner or master of such ship if the ship was not used or employed in contravention of the law.”

The principle thus enunciated is so evidently just that it is not easy to understand why the later legislation upon the same subject should have contained no provision in terms conforming to the intent of the Act. The Secretary of the Treasury is of the opinion that an amendment bringing the present British Act into conformity with the prior Act and with the American Statute in order to render the task of enforcing the Award much easier and to secure effectual results, the most satisfactory amendment would be common legislation, rendering a vessel subject to the same penalties in Behring Sea with fire-arms on board adapted to seal.

It should further be provided by concurrent legislation that sealing-vessels having implements or seal-skins on board may traverse the area covered by the Award during the season licensed, and during any season, if unlicensed, may have their implements duly sealed, and their catch noted in a log-book, a privilege now accorded at the option of the vessel under the Regulations of 1895, Article 4), under the penalty of violation of this privilege.

This privilege, however, as above stated, should be extended to vessels having fire-arms in Behring Sea.

It is further to be noted that, under the British Act, “the provisions of ‘The Merchant Shipping Act, 1854,’ in regard to official logs (including the penal provisions applicable to sealing-vessels;” said penal provisions should appear in the Schedule attached to the copy of the Act in possession of the Department.

I have, therefore, to request that you will advise me whether such penalties include the forfeiture of cargo. Section 8 of the Act of Congress expressing the intent that any violation of the Award or Regulations will render the cargo liable to forfeiture. It is feared that because of reference in the British Act to the penal provisions of the Merchant Shipping Act, 1854,” as to official logs, the requirement to keep log entries might not bring her within the scope of the forfeiture contained in the British Act, unless

* Vol. LXXXIII, page 123.

Shipping Act now made a part thereof contains similar provisions. **During** the past season, log-book entries were duly made by **United States'** sealing-vessels in Behring Sea, and were transmitted to **Congress**.

The Department is also informed that similar entries were made by **British vessels** in Behring Sea, which entries have been duly **transmitted** by the British Government. Many vessels, however, **had** cleared for the coasts of Japan and Russia as early as January, long before the passage of either the Act of Congress of the 6th April, 1894, or the Act of Parliament of the 18th April, 1894. **Inasmuch** as the Award was not self-operative, and contained no **penalties** for its violation, the Treasury Department considered that the penalties provided in the subsequent legislation were not **retroactive**, and could not properly be applied to the failure to make the log entries required by the Award before the passage of said legislation. Entry was therefore permitted for the catch of seals on receipt of the master's oath that he cleared in ignorance of the provisions as to log-book entries. During the coming season collectors have been instructed rigidly to enforce the law as to log-book entries; and the exact status of the British law, therefore, becomes of great importance, so that an early answer to my present inquiry is very desirable.

While upon this subject of so amending the concurrent legislation of the two countries as to secure uniformity, I may invite attention to the fact that under the British Act it is nowhere made the duty of the British naval officers to seize ships when found in violation of the law. Section 11 of the United States' Act imposes that duty on United States' officers duly designated by the President. You will recall that Mr. Gresham adverted to this point in his note to you of the 10th April, 1894; and in your reply of the 11th April you observed that, in your opinion, the word "may" would be construed as imperative, and that, in any case, the instructions to the naval officers would probably remove all doubt on the point. It is now submitted, however, that this detail is too important to be left to mere administrative interpretation of a Statute which in terms omits to prescribe this most essential duty; and, in the judgment of the President, this discrepancy in the concurrent legislation of the two countries should no longer continue.

Besides advancing these considerations in regard to the concurrent legislation for regulating sealing in the North Pacific and Behring Sea, the Secretary of the Treasury has asked me to ascertain, through you, whether, during the past season, the British Government has employed inspectors to verify the log-book entries of British vessels as to the number and sex of seal-skins landed, in

like manner as provided by the legislation of the United States. The skins entered during the past season at United States Port Townsend, were duly examined by expert inspectors as to number and sex; by an error, however, the skins at Port Townsend, although duly examined and counted, were not as to sex.

The Secretary of the Treasury further suggests that the Government be requested to consent to the stationing of United States' inspectors at British Columbian ports for verifying said log entries of British vessels, and examining them as to sex; reciprocally according the British Government the same privilege in United States' ports. I have, therefore, the honor to make such request, and to invite as early a response as may be practicable.

In thus communicating to you, by direction of the Secretary, the proposals and suggestions of this Government, I desire to recapitulation, to lay especial stress upon—

1. The necessity of immediate agreement to close the coast absolutely to pelagic sealers pending consideration of the proposal for extending the protective area of the North Pacific along the 35th parallel to the Asiatic coast, with the exception of the coasts of Russia and Japan;

2. The proposal for a *modus vivendi*, whereby the coasts of Great Britain, Russia, Japan, and the United States shall be lent to the protection of the fur-seal herds;

3. The appointment of a Joint Commission, as suggested in Mr. Gresham's note of the 23rd January last; and

4. The advisability, if not the proven necessity, of concurrent legislation of the two countries for the more precise definition of the scope of the Paris Convention and the duty of the two Governments thereunder.

I have, &c.,

Sir J. Pauncefote.

EDWIN F. UHL, Jr.

No. 15.—*The Earl of Kimberley to Viscount*

(Telegraphic.)

Foreign Office

IN compliance with the request of the United States Government, reported in Sir J. Pauncefote's despatch of the 10th inst., the Officers Commanding the British ships of war on the coast of Alaska in Behring Sea will be authorized to continue sealing and ammunition of American sealing-vessels if requested. You should so inform the United States' Government.

No. 16.—Viscount Gough to the Earl of Kimberley.—(Received June 22.)

MY LORD,

Newport, Rhode Island, June 12, 1895.

WITH reference to Sir J. Pauncefote's despatch of the 21st ultimo and to previous correspondence respecting the scope of the arrangements entered into between Her Majesty's Government and the Government of the United States with regard to seal hunting in the Award area, I have the honour to forward herewith copy of a note which I have received from Mr. Uhl, Acting Secretary of State, in reply to the note addressed to him by Her Majesty's Ambassador on the 20th ultimo, copy of which was forwarded in his Excellency's above-mentioned despatch to your Lordship.

Your Lordship will perceive that Mr. Uhl again expresses his regret that Her Majesty's Government were not more prompt in notifying their refusal to continue the arrangement for sealing-up of arms on board sealing-vessels in transit through the Award area during the close season, and he states that the United States' Government must disclaim in advance any responsibility for any consequences of the delay in making known such refusal, not conceding, however, that any would otherwise exist.

I have, &c.,

The Earl of Kimberley.

GOUGH.

(Inclosure.)—Mr. Uhl to Viscount Gough.

MY LORD,

Department of State, Washington, June 8, 1895.

I HAVE the honour to acknowledge the receipt of the Ambassador's note of the 20th May last, in continuation of previous correspondence concerning the scope of the arrangements entered into between the two Governments with regard to seal hunting in the Award area.

Sir Julian takes the ground, first, that no "arrangements" in the sense of an agreement had been entered into between himself and the Secretary of the Treasury except that Mr. Carlisle's draft of the proposed Regulations for 1895 should be submitted to Her Majesty's Government for approval and concurrence; and, second, in effect, that the Order in Council of 1895 in terms excluded, as did the Orders of previous years, any arrangements for the sealing-up of arms on board sealing-vessels in transit through the Award area during the closed season.

As expressly declared in my note of the 18th May, it was not understood that the Ambassador had authority to bind his Government, or had undertaken definitely to do so without a formal transmission of the proposed Regulations. The fact remains,

however, as already stated by me, that an agreement was reached between Sir Julian and the Treasury as to the form and substance of the question, which agreement, in the form of Regulations respectively, and reduced to writing, was to the President and to Her Majesty's Government.

Not only was a formal counter-draft of the submitted by the Ambassador to the Secretary of the final form agreed upon between them contained suggested by him, and, indeed, after the agreement to the President for signature, Sir Julian's letter in January to Mr. Carlisle pointed out certain inserted by mistake, and referred to the draft as a Further, Sir Julian is pleased to say that it appears escaped the observation of this Government the "arrangements" mentioned in the Order in Council of 1894 previous British Orders in Council, as having been the two Governments, are expressly stated to be giving effect to Articles 4 and 7 of the Regulations of the Behring Sea Award, which relate to the form of the distinctive flag, and the fitness of the men employed. His Excellency asserts that no inference could possibly be drawn from the language of the Order in Council, that the "arrangement" mentioned extended to the proposed renewal of the Order respecting the sealing-up of arms.

I beg to submit that the point to which his Excellency has not overlooked by this Government in view of the provisions of the Order of 1895 with those of the Order of 1894 in Council to which his Excellency adverts.

Knowing that the Order of 1894 referred to the agreement agreed upon between the two Governments, as stated in a note to Mr. Gresham of the 10th May, 1894, and that those arrangements expressly included Regulations of fishery implements at the request of the master of the vessels, it was not obvious that, by repeating the statement that Her Majesty's Government intended in 1895 to vary the Regulations which were included in the Order of 1894, a conclusion—entirely untenable—follows from the varied recital of the Order of the 2nd February 1895. It concealed a positive decision reached by Her Majesty's Government at that early date to reject the provisions of the Order of 1894 in January relative to the sealing-up of arms, which was not announced to this Government till the 11th May 1895.

So far as touches his Excellency's assertion, that it could properly be drawn that the "arrangement"

Order of 1895 embraced also the securing under seal of the equipment of sealing-vessels as provided for in sections 4, 5, and 6 of the draft Regulations of 1895, I have the honour to reply that no arrangements whatever have been entered into between the respective Governments during this year on the subject in question other than the "arrangements" contained in the draft from which were phrased the Regulations of 1895, promulgated by the President on the 18th January, and that the reference in the Order in Council of 1895 could only have related to the draft of Regulations prepared by the Ambassador and Mr. Carlisle.

That the effect of the Order in Council in limiting the word "arrangements" to Articles 4 and 7 of the Award (thus by necessary implication ratifying the corresponding Articles 1, 2, and 3 of the draft Regulations) was not regarded by the British Government as a refusal to concur in the remaining Articles of said Regulations is made evident by the fact that formal notification of such refusal was deemed necessary by the Ambassador's note of the 11th May.

Until that refusal was thus tardily communicated to this Government, I repeat that we had every reason to believe that the Order in Council of the 2nd February last, as communicated by Sir Julian to Mr. Gresham on the 6th March last, related to the antecedent "arrangements" of January last, precisely as did the Order in Council of 1894 relate to the earlier "arrangements" of that year. Either an arrangement was entered into this year on the basis of the draft of Regulations of January last, including the securing under seal of the outfit of vessels, as well as the form of the distinguishing flag, special licence, and fitness of seal hunters, or there was no arrangement whatsoever made this year. Her Majesty's Government cannot, without manifest inconsistency, rely on the first three Articles of the draft, while at the same time repudiating the remainder.

I note the Ambassador's suggestion that the cause of the delay on the part of Her Majesty's Government in communicating its conclusions in regard to the draft Regulations of January last is due to the careful inquiry entered into as to the working of the "arrangements" during 1894, as a result of which inquiry it appeared that the masters of sealing-vessels objected to the practice of having their outfit secured under seal after the experience of last season. The only two cases mentioned in Sir Julian's note upon which to base the contention of Her Majesty's Government that the Agreement between the two Governments of the 4th May, 1894, was violated, had occurred long prior to the date of the negotiations between Sir Julian and Mr. Carlisle.

Correspondence in regard to the *Wanderer* had been exchanged

some weeks before between your Embassy and this Department without suggestion of complaint on this particular score.

On the 2nd February last, the date of this Order in Council, Her Majesty's Government, as stated in my previous note of the 18th May, presumably had in its possession the draft of Regulations of January. It also presumably had the Report of the Canadian Minister of Marine and Fisheries to the Governor-General in Council, dated the 9th January last, in which full statistics of the catch of 1894 were given, as also log-book entries of vessels entering Behring Sea, in which Report no mention whatsoever is made of any dissatisfaction with the Regulations of 1894. At the time this Report was published all the sealing-vessels had returned from the cruise of 1894, and on the 2nd February last, the date of the passage of said Order in Council, a large number of them had already left for the cruise of 1895.

Under all these circumstances, it becomes my duty to again express the deepest regret that Her Majesty's Government could have allowed such a space of time to elapse before giving to this Government notice of its refusal to concur in the Regulations drafted by the Ambassador and the Secretary of the Treasury in January last; and this delay is all the more to be regretted, for the reason that the majority of the vessels of the United States' patrolling fleet have sailed under instructions that the Regulations of 1895 apply to British as well as to American vessels. I must therefore again express the judgment of this Government that it was entitled to prompt notice respecting the acceptance or rejection of those arrangements, adding that it was in nowise bound to regard the tardy communication to it of the Order in Council of the 2nd February last as a notice of the refusal, in whole or in part, to accept those draft Regulations.

Under all these circumstances, this Government must disclaim in advance any imputable responsibility for any consequences of the delay in making known such refusal, not conceding, however, that any would otherwise exist.

I have, &c.,

Viscount Gough.

EDWIN F. UHL, *Acting Secretary.*

No. 17.—Viscount Gough to the Earl of Kimberley.—(Received June 27.)

MY LORD,

Newport, June 17, 1895.

I HAVE the honour to forward herewith to your Lordship copy of a note which I have received from Mr. Olney, the new Secretary of State, reporting the seizure of the British sealing-schooner

Shelby on the 11th May last by the United States' revenue-cutter *Corwin*.

Mr. Olney informs me that the declaration of seizure states that the vessel was seized for disregarding the Proclamation of the President of the United States and the Act of Congress of the 6th April, 1894, but that, from an examination of the Report of Captain Munger, of the United States' cutter *Corwin*, it would appear that the seizure was made on the ground that there was cause to believe that the *Shelby* had killed fur-seals within the Award area during the closed season.

Mr. Olney requests that the consent of Her Majesty's Government be given for the appointment of counsel to represent the Government of the United States in condemnation proceedings against the *Shelby*, and such other British vessels as may be seized this season by officers of the United States for violation of the Regulations of the Paris Award.

Mr. Olney adds that he believes that such action will greatly assist in the proper enforcement of the Award provisions.

The United States' Government are anxious for an answer to their request as soon as is convenient to your Lordship.

I have, &c.,

The Earl of Kimberley.

GOUGH.

(Inclosure.)—Mr. Olney to Viscount Gough.

MY LORD, *Department of State, Washington, June 14, 1895.*

I HAVE the honour to apprise you of the receipt of a letter of the 11th instant from the Secretary of the Treasury, reporting in view of a communication of the 11th ultimo from Captain Munger, of the United States' revenue-cutter *Corwin*, the seizure of the British sealing-schooner *Shelby* on the 11th May last.

The declaration of seizure prepared by Captain Munger, and delivered to the Commanding Officer of Her Majesty's ship *Pheasant*, states that the vessel was seized for disregarding the Proclamation of the President of the United States and the Act of Congress of the 6th April, 1894. From an examination of the Report of Captain Munger it would appear that the seizure was made on the ground that there was cause to believe that said vessel had killed fur-seals within the Award area during the closed season, the reason of such belief being found in the possession by the vessel of seal-skins, implements, and outfits, together with salt, shot-guns, and ammunition.

On receipt of said Report, Captain Hooper, Commanding Officer of the patrolling fleet, was reminded that the Act of Congress of the 6th April, 1894, was applicable only to American vessels; he was

also directed, if on investigation he found that said vessel was seized on the charge of illegal killing during the closed season, to instruct Captain Munger to deliver to the Commanding Officer of Her Majesty's ship *Pheasant* an amended declaration of seizure, assigning as the cause the violation of the 2nd Article of the Regulations of the Paris Award, as set forth in the Schedules annexed to the British Act of Parliament, known as the Behring Sea Award Act of 1894.

In this connection the receipt signed by the Commander of Her Majesty's ship *Pheasant* is called to your attention :—

“ *Sitka, May 13, 1895.*

“ In accordance with the provisions of section 12, Article 9, of the Behring Sea Fisheries Award, I have this day received from C. L. Hooper, Captain United States' Revenue-cutter Service, commanding Behring Sea fleet, the British schooner *Shelby*, of Victoria, British Columbia, C. Classen, master, with her tackle, furniture, cargo, and documents, seized by the United States' revenue-steamer *Corwin*, Captain F. M. Munger commanding, for violation of the Acts of Congress and of the British Parliament regulating the fur-seal fisheries.

“ FRANK A. GARFORTH, *Lieutenant, R.N.,*
Commanding Her Britannic Majesty's
ship Pheasant.”

Under these circumstances, I request that the consent of Her Majesty's Government be given for the appointment of counsel to represent the Government of the United States in condemnation proceedings against the *Shelby* and such other vessels as may be seized this season by officers of the United States for violation of the Regulations of the Paris Award. It is confidently believed that such action will greatly assist in the proper enforcement of the Award provisions.

In this connection I observe that the declaration of seizure will be amended to the end that the libel on Admiralty may set forth the breach of the British Act of Parliament known as the Behring Sea Award Act of 1894.

Asking that you will have the kindness to promptly communicate to Her Majesty's Government the purport of this note, and to apprise me, at your early convenience, of Her Majesty's decision upon the subject, I have, &c.,

Viscount Gough.

RICHARD OLNEY.

No. 18.—*Viscount Gough to the Earl of Kimberley.*—(Received July 6.)

MY LORD,

Newport, Rhode Island, June 28, 1895.

WITH reference to your Lordship's despatches of the 17th ultimo, addressed to Sir Julian Pauncefote, containing the proposals of Her Majesty's Government respecting the appointment of Agents to reside on the seal islands and to collect authoritative information by observations, which should extend over such a period as will be sufficient to enable a judgment to be formed of the effect upon the preservation of the herds, I now have the honour to forward herewith to your Lordship copy of a note which I have received from Mr. Olney, the Secretary of State, in which he points out that, although the United States' Government firmly believe that the suggestion of Her Majesty's Government is inadequate, and cannot satisfactorily take the place of an International Commission of Scientists, they are, however, unwilling to block the way to a better approximate understanding of the important conditions of seal life.

Mr. Olney states that he is of opinion that the proposal of Her Majesty's Government may be advantageously modified in the interest of all concerned, and he adds that he is directed by the President to make a new proposition to Her Majesty's Government based largely upon your Lordship's proposals, viz., that three Agents each be appointed by the respective Governments of Great Britain, Russia, Japan, and the United States, twelve in all, who shall be stationed on the Kurile, Commander, and Pribyloff Islands respectively.

That these Agents be instructed to examine carefully into the fur-seal fishery, and to recommend from time to time needful changes in the Regulations of the Paris Award, and desirable limitations of the land catches of each of the said islands; that within four years they shall present a final Report to their respective Governments; and that pending such Report a *modus vivendi* be entered into extending the Award Regulations along the line of the 35th degree of north latitude from the American to the Asiatic shore. Mr. Olney believes that such slaughter as has taken place within the last year affords conclusive evidence that the Regulations as established by the Paris Award, are not giving that measure of protection to the herds that the Arbitration intended, and that the commercial extermination of the fur-seal herd, Asiatic as well as American, may be regarded as imminent.

I have, &c.,

The Earl of Kimberley.

GOUGH.

(Inclosure.)—Mr. Olney to Viscount

MY LORD, *Department of State, Washing*

ON the 27th ultimo Her Majesty's Ambassador Mr. Uhl a printed copy of an instruction from the Government dated the 17th May, 1895, in answer to Mr. Gresham's letter of the 23rd January last touching the necessity of preserving the fur-seal herd of the Northern Pacific Sea from extermination, in view of the inadequacy of the measures laid down by the Paris Tribunal Arbitration, and in reply to the proposals of this Government for the consideration of the International Commission by the Governments of Great Britain, Russia, and Japan respectively, concerning the fur-seal fisheries of those waters, and pending a decision of the Commission, for a *modus vivendi* prohibiting sealing and extending the Regulations of the Paris Award to a certain degree of north latitude to the shores of Asia. Mr. Gresham's statements concerning the startling increase of pelagic slaughter of both the American and Asiatic herds in the reply of the Foreign Office takes the position of a *non sequitur*, because of its contention before the Paris Tribunal that the Asiatic and American fur-seal herds are distinct, and cannot now with propriety draw any inference from the effect of pelagic sealing on the American fur-seal herd, indicating increased catches over previous seasons of seals killed on the Asiatic and American shores of the Pacific Ocean. The claim is further advanced that the catch of fur-seals during last season on the American coast was greater than in any previous year, yet the catch of the American herd (that is, within the Paris Award limits) was admittedly larger than in most previous seasons, and as large as that of the season of 1891. And, in view of this, this Government is further reminded that the object of the Regulations established by the Paris Tribunal was judged solely by their effect on the herd which they were intended to protect.

I have the honour to reply that, during the proceedings of the Tribunal of Arbitration at Paris, it was established by Counsel representing Great Britain that the American and Asiatic herds did commingle. This fact was disputed by the American Counsel in the light of the evidence before the Tribunal, but, however, was not called upon to make any definitive statement on this important question.

While I do not wish to be understood as expressing an opinion upon the subject, yet, in view of the admission of

of your Government, in which I cordially join, that "our knowledge of seal life is still far from complete," I feel that this disputed question as to whether said herds commingle still requires most careful consideration and study. It has been suggested that the American seal herd, even if not naturally commingling with the Asiatic herd, may have been driven over to Asiatic shores by incessant slaughter during the past seasons. If such were found to be the fact on careful investigation—which investigation is unfortunately refused by Her Majesty's Government—it might appear that the total slaughter of fur-seals on both sides of the North Pacific Ocean has a more intimate connection with the present condition of the American fur-seal herd than is now admitted.

However this may be, the Foreign Office seems to have fallen into the serious error of assuming that the proposition of the United States' Government contained in Mr. Gresham's note of the 23rd January last was selfish in its character, having application only to the material interests of the United States' Government in the American, as distinguished from the Asiatic, fur-seal herd. Nothing could be further from the truth. The President acted in the desire to protect the fur-seal fisheries on both sides of the North Pacific Ocean, Asiatic as well as American, for the benefit of mankind. Incidentally, it is conceded, this might have resulted in benefit to the interests of the United States; but the proposition was based on broad humanitarian principles, no peculiar benefit or gain being sought save what would have accrued to all mankind from the proper regulation of these valuable fisheries. It will be recalled that a proposition of a similar nature, limited to Behring Sea, was made by my predecessor, Mr. Bayard, through the United States' Ministers in England, Japan, Russia, Sweden, and Norway, to those respective Governments in 1887; and that, subsequently, at the request of Lord Salisbury, then Her Majesty's Secretary for Foreign Affairs, its scope was broadened so as to embrace the whole Northern Pacific Ocean, including Behring Sea, from the Asiatic to the American shores north of the 47th degree of north latitude. Unfortunately, and apparently at the dilatory instance of the Canadian Government, its proposal was indefinitely postponed by Her Majesty's Government in June 1888.

The development of valuable fur-seal fisheries off the coasts of Japan and Russia, followed by the closed season established by the Paris Award, has induced many sealing-vessels to frequent those waters, thus causing a notable increase in the pelagic slaughter off the Asiatic shores. The figures given by the Foreign Office included only the slaughter in Japanese waters. Adding the seals killed in Russian waters, we have a total of over 78,000 in 1893, and over 79,000 in 1894. It was to regulate the killing in those

waters, as well as within the Paris Award area, that Mr. Gresham's proposition of the 23rd January was made.

But even if it be assumed that the American and Asiatic herds are distinct and have never commingled, the fact still remains that the slaughter of the so-called "American" or "Alaskan" herd during the past season has been greater than in any season in the history of pelagic sealing. The Foreign Office instruction states that about 12,500 fewer seals were killed from this herd in the Award area in 1894 than in 1891. There is good ground, however, to conjecture that the British computation of seals killed in Behring Sea in 1891, namely, 29,141, swelling their total computation to 68,000, comprised a number of seals taken on the western side of that sea in the vicinity of the Russian islands; the figures for the catch in the same sea in 1894, 31,585, it should be remembered, are limited to seals killed on the eastern side within the area of the Paris Award.

It was a matter of evidence before the Paris Tribunal that, after the promulgation of the *modus vivendi* of the 15th June, 1891, forty-one British vessels were warned out of the American side of Behring Sea by American cruisers between the dates of the 29th June and the 15th August of that year. It is believed that many of the vessels so warned went over to the Russian side of Behring Sea and made catches there.

From statistics in the possession of this Government, it would appear that some 8,432 seals were so taken—6,616 by British vessels, and 1,816 by American vessels. This should be deducted, therefore, from the British figures, 6,616, leaving about 28,000 as the catch of British vessels in the Award area in Behring Sea during the season of 1891.

A closely similar result is reached by careful examination of all the reported catches of 1891, and of the affidavits scattered through the Cases and Counter-Cases of the United States and Great Britain, whereby, deducting from the catch stated in the United States' Counter-Case, 28,605, the number of seals estimated to have been killed off the Russian coasts, 5,847, a result of 28,041 is reached. Adding to the computed British catch in Behring Sea during 1891, the number of seals computed as killed in Behring Sea by American vessels in that year, 4,920, the total number of seals killed and recovered within the Award area in Behring Sea for the season of 1891 falls below 28,000.

The communication of the Foreign Office states the total catch of American and British vessels within the Award area, comprising the North Pacific in addition to Behring Sea, in 1891, as 68,000. A careful computation made by the Treasury Department of the total catch for 1891, based on an elaborate calculation of all the

evidence disclosed in the Case and Counter-Case of both Governments, estimates the number of seals known to have been killed within the Award area at 45,000, leaving about 18,000 undetermined as to the locality of the slaughter. Taking, however, the figures as given by the Foreign Office, 68,000, and subtracting the number estimated by other computations by the Treasury Department to have been killed in Russian waters, 8,432, we have left 59,568 as the maximum catch within the Award area for 1891.

The official statement of the catch for 1892, contained in the Report of the Canadian Department of Marine and Fisheries, credits 14,805 out of a total of 53,912 to the Asiatic shores. The Report for 1891 gives only a total of 52,995, none being credited to Russian waters; neither does the Report of the British Commissioners of the catch of 1891 give any number as killed in said waters. While, admittedly, these Russian catches were relatively small in this year, and hence may by inadvertence have escaped the attention of the Canadian authorities, yet it is clear that the British computations of 1891 and 1892 are reached by different methods, omission, if not error, to the extent stated above being distinctly imputable to the figures of 1891. In computing the catch of 1894, the instruction of the Foreign Office states that 55,502 seals were killed within the Award area, including 17,558 as the catch of American vessels. It should be remembered, however, that in the Treasury Department Tables, from which the details mentioned in Mr. Gresham's note of the 23rd January were taken, 6,836 skins taken by American vessels were stated as undetermined as to location. Assuming that these unlocated catches were divided between the American and Asiatic herds in the same proportion as the other skins landed during the season of 1894 at American ports by United States' vessels, we should have for the total catch within the Award area 55,686, plus 6,152, or 61,838 in all, representing the bodies actually recovered, disregarding those killed but not recovered, from two to five times as many, according to the evidence before the Tribunal at Paris.

This total of seals killed and recovered justifies the repetition of the statement previously made that the pelagic catch within the Award area during the last year's season was the largest in the history of pelagic sealing, the nearest approximation being the season of 1891, in which, even on the theory of the British figures, not more than 59,568 seals were killed and secured. The significance of this catch of 1894 will be better appreciated when it is considered that only ninety-five vessels were employed, as against 115 in 1891.

It is further contended in the Foreign Office note that the increased catch, with proportionately fewer vessels, indicates an increased number of seals in 1894 as compared with 1891, and consequently a better condition of the fur-seal herd. When,

however, the startling decrease of seals on the Pribyloff Islands—pronounced by experts to be at least one-half since 1890—taken in connection with the great destruction of pups from starvation on the islands last season, caused by the slaughter of their mothers at sea, is considered, it will appear, as is respectfully suggested, conclusively demonstrated that the increased catch is but a measure of the increased efficiency of the crews employed as hunters on the sealing-vessels; that the seal herd is rapidly diminishing in numbers, and that it is in danger of speedy extermination unless changes are made in the Regulations established by the Paris Award as proposed by this Government.

It is correctly stated by the Foreign Office note that the catch in the Award area of last season outside of Behring Sea was less than during the season of 1893. It should be remembered, however, that it falls only a little short of the catch of 1893, and that it was taken during four months (January to April), while the catch of 1893 was taken during seven months (January to July). The prohibition in the Award Regulations of pelagic sealing during the months of May, June, and July, however, was calculated undoubtedly to do much good to the herd, and some favourable results might naturally have been expected early in the season on the islands. Nevertheless, after the sealing fleet had finished its work in Behring Sea, the alarming increase in the number of dead pups found on the islands (amounting by accurate estimate to about 20,000) revealed unmistakably the fatal error of the Award Regulations in opening said sea to pelagic sealing. The marvellously increased efficiency of the pelagic seal hunters in the use of the shot-gun and spear, as shown by the enormous catches of late years, and specially of the last season under the Award Regulations, cannot fail, it is again submitted, to speedily deplete the fur-seal herd. This depletion has already necessitated a reduction of the land catches on the Pribyloff Islands of 85 per cent. since 1890, and the pelagic catches must soon decrease in like degree on peril of complete extermination. Reports of the coast catches of the present season of 1895 would seem to indicate that this decrease is already observable. It is to be presumed, however, that for some few years the pelagic slaughter in Behring Sea, the great nursery of the fur-seal herd, can be maintained at figures approximating to or possibly exceeding those of last year. But the end cannot be far off. It is respectfully submitted that such slaughter as has taken place within the last year—largely of nursing females—affords conclusive evidence that the Regulations as established by the Paris Award are not giving that measure of protection that the Arbitrators intended.

Commercial extermination of the fur-seal herd—Asiatic as well as American—is imminent. It is to be deeply regretted, therefore,

that Her Majesty's Government has declined our propositions for the appointment of an International Commission, and for an efficient *modus vivendi* pending a more comprehensive Agreement in which all the parties in interest may justly share.

While thus rejecting the suggested International Commission and *modus vivendi*, the Foreign Office instruction suggests that Resident Agents be appointed by the United States and Great Britain, to be stationed on the Pribyloff and Commander Islands, there to make joint investigation during the next four years, and to report from time to time as to the condition of the fur-seal fisheries. Although this Government firmly believes that this suggestion of Her Majesty's Government is inadequate, and cannot satisfactorily take the place of an International Commission of Scientists, nor supply the need of all asked for in said *modus*, it is unwilling to block the way to a better approximate understanding of the important conditions of seal life.

It is thought, however, that the British suggestion may be advantageously modified in the interest of all concerned, and I am directed by the President to make a new proposition to Her Majesty's Government, based largely upon that now submitted by the Foreign Office, to wit: that three Agents each be appointed by the respective Governments of Great Britain, Russia, Japan, and the United States, twelve in all, who shall be stationed on the Kurile, Commander, and Pribyloff Islands respectively; that these Agents be instructed to examine carefully into the fur-seal fishery, and to recommend from time to time needful changes in the Regulations of the Paris Award, and desirable limitations of the land catches of each of the said islands. That within four years they shall present a final Report to their respective Governments; and that, pending such Report, a *modus vivendi* be entered into extending the Award Regulations along the line of the 35th degree of north latitude from the American to the Asiatic shores.

The importance of the subject, of which the Governments interested must by this time be abundantly convinced, leads me to hope for the early and favourable attention of Her Majesty's Government to this amended proposal.

I have, &c.,

Viscount Gough.

RICHARD OLNEY.

No. 19.—Viscount Gough to the Marquess of Salisbury.—(Received July 15.)

MY LORD,

Newport, Rhode Island, July 4, 1896.

I HAVE the honour to transmit copy of a note, dated the 1st instant, from the Acting Secretary of State, commenting upon

the inadequacy of the measures adopted by Her Majesty's Government for the patrol service of the North Pacific Ocean and Behring Sea during the season of 1895, and asking for the more active and efficient co-operation in enforcing the legislation concurrently enacted for carrying out the provisions of the Paris Award which the United States' Government believes it has the right to expect from Her Majesty's Government.

Mr. Uhl also urges that an early answer should be given to the notes addressed by the United States' Government to this Embassy on the 10th May and 14th June, respectively transmitted to the Earl of Kimberley in despatches of the 21st May and 17th June last.

In the note of the 10th May it was proposed that the carrying of fire-arms be prohibited in the Behring Sea, and that illegal use shall be presumed from the possession of weapons whose use is prohibited.

In that note it was also requested that the United States should have permission to appoint Agents to examine all seal-skins landed at British Columbia ports.

In the note of the 14th June a request was made that the United States be represented by counsel in proceedings for the condemnation of vessels, whether seized by British or United States' officers.

I have, &c.,

The Marquess of Salisbury.

GOUGH

(Inclosure.)—*Mr. Uhl to Viscount Gough.*

MY LORD, *Department of State, Washington, July 1, 1895.*

YOUR note of the 27th May last, informing me that Her Majesty's Government had designated the naval vessels *Nymphe* and *Pheasant* to patrol that part of the North Pacific Ocean and Behring Sea embraced within the terms of the Award of the Tribunal of Arbitration during the season of 1895, was duly received and communicated to the Secretary of the Treasury, to whose Department the supervision of the corresponding control of those waters under the Award and Regulations of the Paris Tribunal duly pertains.

It is proper, however, in the interest of the efficient fulfilment of the obligations of the respective Governments under the Award and Findings of the Paris Tribunal, that the attention of Her Majesty's Government should be drawn to the obvious inequality and inadequacy of the measures adopted by Her Majesty's Government to that end, both with regard to the work necessarily to be accomplished, and as compared with the steps taken by the United States' Government to the same end.

This discrepancy was especially marked during the season of 1894, when Her Majesty's Government designated only one patrolling vessel, the *Pheasant*, although a majority of the schooners engaged in fur-seal fishing within the Award area were under the British flag, while of those which entered Behring Sea less than one-half were United States' vessels.

In that year twelve United States' vessels were designated by the President to patrol the Award area, viz., the *Mohican*, *Bennington*, *Alert*, *Ranger*, *Yorktown*, *Adams*, *Concord*, and *Petrel*, the revenue-cutters *Corwin*, *Rush*, and *Bear*, and the Fish Commission steamer *Albatross*.

The expense attending the presence of these vessels in the North Pacific Ocean and Behring Sea for the season of 1894, exclusive of the pay of officers and men, and also excluding rations, was 198,304 dol. 49 c.

For the present season of 1895 the discrepancy, although less marked, is still noteworthy. The conditions under which the patrol of those sealing waters is conducted impose, in some respects, more onerous duties upon the Contracting Parties in the protection of seal herds from illicit destruction.

There is grave reason to suspect that during the approaching season in Behring Sea, which opens on the 1st August, sealing-vessels will take advantage of the refusal of the British Government to continue the Agreement of 1894, which provided for the sealing-up of arms of such vessels while in Behring Sea, thereby increasing the demands upon the vigilance of the patrolling fleet to detect evasions and infractions of the provisions of the Paris Award.

In a Report from the United States' Fish Commission recently transmitted to the Treasury Department it is stated:—

"We may reasonably expect a fleet of fifty-six vessels in those waters (Behring Sea). . . . Regarding Behring Sea, the sealers appear gratified over the fact that their fire-arms cannot be sealed up. They considered the sealing of arms a great hardship, and their satisfaction over carrying them unsealed must mean a determination to use them whenever they think it safe to do so. Some of them say that when the Japan fleet hear of this they will send more vessels to the Sea. There is little doubt but that fire-arms, carried into the Sea, will be used."

While the sealing fleet in the Award area is about the same in numbers as in 1894, the British vessels already cleared for the fur-seal fisheries outnumber the Americans so cleared in the proportion of about two to one.

The United States' patrolling fleet for this season consists of seven vessels, viz., the revenue-cutters *Rush*, *Bear*, *Corwin*, *Wolcott*, *Grant*, and *Perry*, and the Fish Commission steamer *Albatross*.

In view of the vast area to be patrolled, they are constrained to suggest that the detail of two vessels on the part of Her Majesty's Government is totally inadequate for the performance of the proper share of the work and patrol, which necessarily falls to that Government.

I am therefore moved to invite, through you, the attention of Her Majesty's Government to this matter, and to suggest more active and efficient co-operation in enforcing the law concurrently enacted for carrying out the provisions of the Seal Fish Award, which this Government believes it has a right to demand from Her Majesty's Government, in view of the fact that the vessels which rest upon them in this regard.

While treating of this subject, I beg to advert to the fact of obtaining from Her Majesty's Government a list touching the changes proposed in the scope of the law, and the practicable suggestions and requests contained in the report of Sir Julian Pauncefote of the 10th May last, and a copy of the Secretary Olney to you of the 14th ultimo. I also refer to the proposition in my note of the 10th May that the carrying of fire-arms in Behring Sea be prohibited, or that the carrying of them be presumed from the possession of weapons to be prohibited, as now provided for in section 10 of the Seal Fish Act of the 6th April, 1894, and as was formerly provided for in the British Behring Sea Act of 1891 and the Seal Fish Act of 1893.

The note of the 10th May further requests that the Government appoint experts on the part of the Government of the United States to examine all seal-skins landed at British Colonies, and to regard to sex, mode of slaughter, &c., the results to be compared with the log-book entries. In the note of the 10th May a request was made that Counsel in representation of the United States be admitted in condemnation proceedings of vessels seized by United States or British officers.

The foregoing suggestions being particularly important in Behring Sea, where the season opens on the 1st of June, it will be highly desirable to have a distinct understanding of the subject reached before that time; and I therefore request for an early answer.

I have, &c.,

Viscount Gough.

E. F. UHL

No. 20.—The Marquess of Salisbury to Viscount Gough.

MY LORD,

Foreign Office, July 22, 1895.

I HAVE considered, in communication with the Secretary of State for the Colonies, the note from Mr. Uhl of which a copy was enclosed in your despatch of the 12th ultimo, with regard to the refusal of Her Majesty's Government to renew the Agreement for the sealing-up of arms and other implements on board sealing-vessels.

I have to instruct you to address a note to the United States' Government stating that the arrangement of 1894 on this subject was altogether outside the purview of the Order in Council of that year.

Under that arrangement no action was contemplated excepting on the application of the master of the sealing-vessel. Consequently, no executive measure was required in respect of it, and, so far as Her Majesty's cruisers were concerned, any action taken was under the instructions issued by the Board of Admiralty.

You will point out that the inference which Mr. Uhl draws from the identity of the Order in Council of this year with that of 1894 cannot, in the circumstances, be sustained.

I am, &c.,

Viscount Gough.

SALISBURY.

No. 21.—The Marquess of Salisbury to Viscount Gough.

MY LORD,

Foreign Office, July 29, 1895.

I HAVE received and considered, in consultation with the Secretary of State for the Colonies, your despatch of the 28th ultimo, containing a new proposal from the United States for the appointment of three Agents by Great Britain, Russia, Japan, and the United States respectively, to be stationed on the Kurile, Commander, and Pribyloff Islands.

In the note, of which you inclose a copy, Mr. Olney criticises at length the figures relating to the catch of seals in successive years, which were given in the despatch to Sir J. Pauncefote of the 17th May. Those figures, as Mr. Olney states, were taken from the Canadian Official Returns, the estimate of the total catch of 1891 (British and American) being that of the British Behring Sea Commissioners. The statement that a small part of the catch of 1891 was actually made on the Asiatic side of Behring Sea will be referred to the Canadian Government for verification.

With this object, you should furnish the Governor-General with a copy of Mr. Olney's note of the 24th ultimo, and you may inform the United States' Government that steps are being taken to

investigate this particular point; but you should state, at the same time, that in any case their criticisms do not appear to invalidate the contention of Her Majesty's Government, that there has been no such alarming increase in the pelagic catch of seals on the American side as to justify any extension of the Regulations solemnly laid down by an International Board of Arbitration, for a fixed period of five years, after an elaborate examination and an exhaustive discussion of the voluminous evidence presented on both sides. Nothing but the absolute concurrence of the two Governments in the necessity of a change, based on new and undisputed facts, could, in the view of Her Majesty's Government, justify any departure from the Regulations prescribed by that Tribunal before the time appointed under the Award for their revision, should such revision then be called for.

You should point out that even on the figures given by the United States' Government, the catch of 1891, on the American side, was practically the same as that of 1894, and that the greatly increased dexterity with which the sealers are credited, and especially the fact that the bulk of the catch was made with spears instead of fire-arms, justifies the conclusion that the catch of 1894 was secured at less cost to the herd than that of 1891.

You are authorized to state, in reply to Mr. Olney's note, that Her Majesty's Government cannot recognize that Russia and Japan have any interest in the seal fishery on the American side of the North Pacific, and that they cannot therefore take part in any inquiry on the Pribyloff Islands in which those Powers are associated, but that they are ready to appoint at once an Agent to inquire conjointly with an Agent of the United States alone, as already proposed; and they would also be ready to consider any request from the two Powers concerned to join in an inquiry on similar terms with Russia and Japan respectively in the Commander and Kurile Islands.

I am, &c.,

Viscount Gough.

SALISBURY.

No. 22.—The Marquess of Salisbury to Viscount Gough.

MY LORD,

Foreign Office, August 16, 1895.

THE Earl of Kimberley, in his telegram of the 9th May, requested Sir J. Pouncefote to inform Mr. Gresham that Her Majesty's Government were unwilling to renew the Agreement with the United States of the 12th May, 1894, relative to the sealing-up of arms on board sealers during the close season in Behring Sea, because the possession of arms was not contrary to the Award of the Paris Tribunal of Arbitration, and because, as proved by the seizures of the *Wanderer* and *Favourite*, the Agreement had not

practice worked for the protection of British sealers from unnecessary interference.

His Excellency was also requested to remind Mr. Gresham that United States' naval officers have no right to seize British sealing-vessels except under the Order in Council for offences against the British Act of Parliament which embodies the Award Regulations.

The circumstances in connection with the seizures of the *Wanderer* and *Favourite*, above referred to, have been most carefully considered, after some delay occasioned by the necessity of obtaining all information, including Reports from Admiral Stephenson, the Commander-in-chief on the North American Station.

The *Wanderer*, while in the waters affected by the Award, and during the close season, was boarded, and the master warned by an officer from the United States' steamer *Yorktown* of the provisions of the Award Act.

A certain quantity of arms and ammunition was sealed up, and the master signed a statement that the fire-arms, &c., then produced were all that belonged to the vessel or to any person attached to her.

The seal-skins on board were counted, and the number amounted to 400.

On the same day the vessel was again boarded while within the Award area by an officer from the United States' steamer *Concord*. The seals placed on the arms in the morning were found to be intact, and the number of seal-skins on board corresponded with the number counted by the officer of the *Yorktown*.

Further search was, however, made, and in the extreme forward part of the ship a shot-gun, with thirty-nine cartridges, were found, which the mate said belonged to him.

The vessel was thereupon towed to St. Paul's, Kadiak Island, formally seized, and sent thence with a prize crew to Unalaska, and handed over to Her Majesty's ship *Pheasant*.

The grounds for the seizure, as given by the Commander of the *Concord*, were "the possession of an unsealed gun and ammunition in contravention of 'The Behring Sea Award Act, 1894,' clause 1, paragraph 2, and clause 3, paragraph 2, as well as of section 10 of the President's Proclamation."

The master protested, one of his grounds of protest being that the gun and ammunition were the private property of the mate, and had been hidden without his orders or knowledge. The master also said that he was making direct for St. Paul, a port in United States' territory.

Admiral Stephenson, the Commander-in-chief on the North American Station, having after due consideration, come to the conclu-

sion that the vessel could not be successfully prosecuted to take proceedings against her, and directed her to be released.

The vessel, however, was unable to complete her voyage, on behalf of those interested in her, advanced an amount of the market value of 1,000 seal-skins in account of damage done to guns through sealing. 50 c. paid for provisions, with interest to be added.

The *Favourite* was seized by the United States schooner *Mohican* while sealing in Behring Sea during the summer of 1892. There were no fire-arms on board with the exception of a single gun, to be used for signalling purposes, and the ship's manifest, signed by the Collector of Customs. While the schooner's papers were under examination, the master of the *Mohican* produced the signalling-gun, and placed the table before the examining officer, who expressed his disapproval and entered the following in the schooner's log :-

"Boarded the *Favourite*. Found log containing a violation of Regulations, as per log. One shot-gun on board."

The *Mohican* steamed off about 2 miles, and the same officer boarded the *Favourite* again, and ordered her to take the schooner's papers and the signal-gun on board. There he was informed that his vessel was seized and taken on board.

Lieutenant Wadhams, who was in command of the *Mohican*, stated the grounds for seizure to be that the vessel carried a double-barrel shot-gun, which was found upon the deck with gauge cartridges, and to shoot accurately at least 100 yards. The possession of this shot-gun was in contravention of the Paris Award and of the United States' Act of 1892.

The gun in question was carried for the purpose of firing rockets as night signals. It was old, barely fit for service, the barrels, with a pistol-handle grip of 9 inches in length, for killing seals. Not only was the gun mentioned in the manifest, but the master stated that he was informed by the Custom-house official at Kyuquot, when opening of the fishery season, his fishing implements were to be carried up, to carry it and rockets unsealed. Moreover, the Master of the *Blair*, of Her Majesty's ship *Pheasant*, and the Commander of the *Mohican*, had agreed to authorize the *Blair* to carry the means of signalling; and the formal application been made to him he would certainly have authorized the *Favourite* to carry the weapon on account of the sealers being seized.

No cartridges, or shot of any kind, were found on board.

In spite of the master's protest a prize crew was placed on board the steamer, by which she was taken to Unalaska, and there handed over to the Commander of Her Majesty's ship *Pheasant*, by whom she was ordered to proceed to Victoria and report to the Collector of Customs. The latter applied to the Admiral for instructions, considering that he was not justified, under "The Behring Sea Award Act, 1894," in taking any action against the vessel; and the Admiral replied that, in his opinion, there was no ground for a prosecution, and therefore requested that the schooner should be released.

The master has preferred a claim for 22,480 dollars, the amount at which he estimates the loss incurred by the interruption of his voyage.

It thus appears, both from the information obtained by Her Majesty's Government and from the statements of the United States' naval officers themselves, that no evidence existed of any unlawful fishing operation on the part of either of these vessels.

Had the master of the *Wanderer* intended to violate the Regulations, he would presumably not have limited his preparations to a single gun and a few cartridges, and it seems highly improbable that after having been boarded, and having had the skins on his vessel counted, he would have run the risk of being discovered with fresh skins on board.

With regard to the *Favourite*, the evidence seems conclusive that the gun found on board was intended solely for signalling purposes, and that it was not suitable for killing seals. The fact that no cartridges or shot of any kind were found on the vessel affords presumption almost amounting to proof that this view is correct.

It must also be remembered, in considering the case of the *Wanderer*, that the arrangement for the sealing-up of fishing implements was not obligatory, but was to operate only on the application of the master of a vessel traversing Behring Sea for any legitimate purpose during the close season as a protection to the vessel against interference by any cruiser in the said waters.

The *Favourite* was seized during the open season when the Agreement was not in force, though the entry made in her log by the United States' officer seems to indicate that he was not cognizant of this fact.

The statements made by the United States' officers of the grounds of seizure show, moreover, that in both cases they relied upon that part of section 10 of the United States' Act of Congress which reads: "or if any licensed vessel shall be found in waters to which this Act applies, having on board apparatus or implements suitable for taking seals, but forbidden then and there to be used, it shall be presumed that the vessel in the one case, and the apparatus

or implements in the other, was or were used in violation of the Act, until it is otherwise proved."

That section has the obvious effect that without affecting directly to enlarge the obligation which the Award imposes upon sealing-vessels, it creates an artificial presumption of guilt springing from facts which otherwise might not be evidence of guilt at all, and thereby indirectly makes the Award weigh heavier on these vessels.

It is not, however, necessary to discuss the provisions of the Act of Congress. Whether an offence against that Act was committed or not by either the *Wanderer* or the *Favourite*—a point which seems open to doubt, especially in the case of the *Favourite*—the officers of the United States' cruisers were not empowered to seize the vessels, except under the Order in Council for offences against the British Act of Parliament, which embodies the Award Regulations. These Regulations do not prohibit the possession of fire-arms, nor do the Behring Sea Award Act and Order in Council of 1894 contain any provision corresponding to that in Article 10 of the Act of Congress. A duly authorized officer of the United States is warranted in seizing a British vessel, if he believes, or has reasonable grounds for believing, that the British law has been violated. But he is not warranted in seizing her if there are no reasonable grounds for that belief, nor is he warranted in applying to British vessels the doctrine of presumptive guilt which is contained in section 10 of the United States' Act.

The seizure of both the *Wanderer* and the *Favourite* was grounded on what, even if it was an offence against the United States' law, was not an offence against British law. For this reason Her Majesty's Government consider that the officers of the United States' cruisers were not justified in seizing the vessels, and they feel bound to present to the United States' Government the claims for compensation which have been made by the owners, and to request that they may receive the consideration to which they are entitled.

You will read and give a copy of this despatch to the Secretary of State.

I am, &c.,

Viscount Gough.

SALISBURY.

No. 27.—Viscount Gough to the Marquess of Salisbury.—(Received September 21.)

MY LORD,

Newport, Rhode Island, September 13, 1895.

WITH reference to Sir J. Pauncefote's despatch of the 21st May and to previous correspondence respecting the refusal of Her Majesty's Government to renew the arrangement for placing under

and the arms and ammunition carried by British sealing-vessels, I have the honour to transmit herewith copy of a note which I have received from the Acting Secretary of State on this subject, inclosing Report addressed to the Treasury Department by Captain Hooper, the Commander of the United States' patrolling fleet in the Behring Sea.

Captain Hooper states that the masters of twenty-eight British sealing-vessels, at one time assembled in Dutch Harbour, formally applied to him to have their arms placed under seal, and were unanimous in recognizing the advantages of such a measure.

Mr. Adee observes, however, that Captain Hooper, acting in accordance with his instructions, declined to accede to their request.

I venture to call your Lordship's attention to the statement at the conclusion of Captain Hooper's Report, viz., that seals are not infrequently, when killed with spears, found to have gun-shot wounds previously received, and that these wounds on the skin might raise a presumption that fire-arms had been illegally used by their capturers, unless the innocence of the capturers were made manifest by the arms on board being under seal.

I have, &c.,

The Marquess of Salisbury.

GOUGH.

(Inclosure 1.)—*Mr. Adee to Viscount Gough.*

*Department of State, Washington,
September 11, 1895.*

MY LORD,

In connection with the Department's note of the 18th May last to Sir J. Pauncefoot in regard to the action of the Government of Great Britain in refusing to permit British sealing-vessels to have their arms and equipment placed under seal by naval officers, I have the honour to transmit herewith an extract of a Report to the Secretary of the Treasury from Captain C. Hooper, commanding the United States' patrolling fleet, dated Dutch Harbour, Alaska, the 14th August, 1895, in which he states that at one time during this season there were twenty-eight British sealing-vessels in the harbour, and that they formally applied to him to have their arms and equipment placed under seal, but that, acting in accordance with his instructions, he declined to accede to their request.

In view of the fact that the British Government has communicated to that of the United States its refusal longer to permit the sealing-up of arms and equipment on sealing-vessels on the ground that such arrangement had not worked satisfactorily in practice, I desire to call to your attention the further statement of

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Captain Hooper in this Report, that said British masters were unanimous in their desire to have their equipments placed under seal, stating that the refusal of the British Government above referred to had exposed them to unnecessary risk.

I have, &c.,

Viscount Gough.

A. ADEE

(Inclosure 2.)—*Captain Hooper to the Secretary of the Treasury.*

United States' Revenue-cutter Service Steamer

Rush, at Port of Dutch Harbour, Alaska,

August, 8, 1895.

(Extract.)

FORTY-SIX sail of vessels were at anchor in Dutch Harbour, including the seven that arrived previous to our sailing.

These were boarded and examined by the *Rush* and *Grant*. Thirty-nine proved to be sealers—eleven American and twenty-eight British. Of these, six American and twenty-seven British vessels were from their home ports, while five American and one British vessel were from the Japan coast.

All vessels from their home ports were without guns, having taken the precaution to leave them behind. Several of the masters had a revolver, which they desired to keep for self-protection.

* * * * *

The masters of the British vessels applied to have their spears, guns, and revolvers sealed up, but were refused.

There were so many expressions of dissatisfaction at this, that officers were sent to make a canvass of the British sealers to ascertain how many were in favour of having their arms secured under seal.

They were found to be unanimous in favour of it, and all stated that the refusal of the British Government to allow it done exposes them to unnecessary risk. They say it is no uncommon thing to spear a seal that has previously been shot; and they understand that the presence of such on board a vessel carrying unsealed guns furnishes grounds for seizure.

The Secretary of the Treasury.

C. HOOPER.

No. 28.—The Marquess of Salisbury to Sir J. Parncefote.

SIR,

Foreign Office, September 27, 1895.

WITH reference to my despatch of the 16th August and to other correspondence relating to the seizure of the sealing-*runner* *Wanderer* and *Favourite* by United States' cruisers, I have to

request your Excellency to inform the United States' Government that British naval officers will decline to take over any British vessel seized by an American cruiser unless the declaration of seizure alleges a specific offence which is a contravention of the British Act of Parliament.

I am, &c.,

Sir J. Pouncefote.

SALISBURY.

No. 29.—Sir J. Pouncefote to the Marquess of Salisbury.—(Received October 7.)

MY LORD,

Newport, Rhode Island, September 24, 1895.

ON returning to my post after leave of absence, I found that there had been some misapprehension with regard to the communication to the United States' Government of your Lordship's reply to their proposal for the inspection of seal-skins at Columbian ports.

I have accordingly addressed to Mr. Olney the note, of which I have the honour to inclose a copy for your Lordship's information.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE.

(Inclosure.)—Sir J. Pouncefote to Mr. Olney.

SIR,

Newport, Rhode Island, September 24, 1895.

WITH reference to your note to Lord Gough of the 18th instant, in which you renew the inquiry contained in Mr. Adey's note to him of the 18th instant, as to whether Her Majesty's Government have come to any conclusion respecting the suggestion made in Mr. Uhl's note of the 10th May last as to the stationing of United States' Inspectors at British Columbian ports for the purpose of verifying log entries of British sealing-vessels, and examining the skins as to sex, with reciprocal privileges to British Inspectors in American ports, I have the honour to inform you that at the time of my departure for England on leave of absence early in June last I was under the impression that the answer of Her Majesty's Government to that proposal, as well as to all the other proposals contained in Mr. Gresham's note of the 23rd January and Mr. Uhl's note of the 10th May, had been substantially communicated by me to Mr. Uhl on the 27th May, when I had the honour to read to him, and to leave in his hands, a copy of the Earl of Kimberley's despatch to me of the 17th of that month.

As regards the particular proposal relating to Inspectors, I had

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previously been informed by the Earl of Kimberley that it was not acceptable to Her Majesty's Government, on the ground that the matter is already provided for by the Award Regulations, the sealers being bound thereunder to keep a record of sex.

The proposed examination by Inspectors would, therefore, only be of use in the case of skins taken outside the Award area, which is not a matter of special concern.

I regret that the reply of Her Majesty's Government to the proposal in question should not have been made more clear, and that it should have remained in any doubt at the Department of State during the period of my absence.

I have, &c.,

R. Olney, Esq.

JULIAN PAUNCEFOTE

No. 30.—Sir J. Pauncefote to the Marquess of Salisbury.—(Received October 28.)

MY LORD,

Washington, October 17, 1895.

WITH reference to previous correspondence respecting the seizures of the British sealing-vessels the *Wanderer* and *Favourite*, I have the honour to forward herewith to your Lordship copy of a note, together with its inclosure, which I have received from the Secretary of State on the subject.

The inclosure gives the Report of the Attorney-General of the United States on the claims, which is adverse to their validity.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE

(Inclosure 1.)—Mr. Olney to Sir J. Pauncefote.

Department of State, Washington,

EXCELLENCY,

October 14, 1895.

REFERRING to the claims preferred by Her Majesty's Government for compensation for alleged unjustifiable seizure by United States' cruisers of the British sealing-vessels the *Wanderer* and the *Favourite*, which claims were brought to the attention of this Government through a despatch of the British Foreign Office to Lord Gough, read, and a copy thereof given to the Secretary of State the 6th September, 1895, I have the honour to state that the question of the validity of such claims, and of any liability of this Government on account of such seizures, has been submitted to the Attorney-General of the United States for his opinion thereon.

The opinion of that officer, copy of which is appended for your information, is adverse to the validity of the claims, and rests upon considerations of such conclusive nature and effect that the result, it is believed, can hardly fail to be acquiesced in by Her Majesty's Government.

I have, &c.,

Sir J. Parncefote.

RICHARD OLNEY.

(Inclosure 2.)—The United States' Attorney-General to Mr. Olney.

SIR,

Department of Justice, Washington, October 3, 1895.

IN the matter of the claims presented by the British Government for damages on account of the seizure by United States' cruisers of the British sealing-schooners *Wanderer* and *Favourite*, I have the honour to give my opinion, as requested by your letter of the 27th September.

It appears from the letters of the Secretary of the Treasury to yourself, dated the 12th June and the 24th September, which you inclose, that these schooners were seized by American cruisers—one in the North Pacific Ocean the 9th June, 1894, the other in Behring Sea the 24th August, 1894—and delivered to British naval officers with a written statement of the facts upon which the seizures had been made, which officers, without in anywise invoking the action of the Courts, released them, having reached the conclusion, after investigation and upon legal advice, "that no case could be made out against them."

The British naval officers, in releasing the schooners, apparently proceeded on the theory that they were invested with the authority of an ordinary examining Magistrate or Court to determine whether the accused vessels should be subjected to regular judicial inquiry or not. So acting, they seem to have held that the statements of the United States' Commanders, as well as the facts developed by their own investigation, failed to show even probable cases of violation of the laws for the preservation of the fur-seals, passed in pursuance of the Award of the Tribunal of Arbitration at Paris under the Treaty between the United States and Great Britain, concluded at Washington the 29th February, 1892. (See Act of Parliament, 23rd April, 1894, 57 Vict., cap. 2, § 31 L.R. Statutes 4.)

The statements made and delivered by the United States' officers were to the effect that prohibited and unsealed fire-arms, together with large numbers of seal-skins, were found on board the seized schooners. In the case of the *Wanderer* at least there were other circumstances of suspicion, such as evasion and concealment. The alleged defects in these statements were that they merely set forth as grounds of seizure the facts above stated, but did not specifically

assert that seals had actually been taken contrary to law. In other words, considering the statements as pleadings, they set forth mere evidence and not the ultimate fact.

I find nothing in the British Statutes, or in the orders and instructions issued for the due execution thereof, which requires any formal charge by officers making seizures. "An indorsement of the grounds on which it was seized" on the certificate of the vessel is required when it is returned to enable the vessel to proceed to port for trial (57 Vict., cap. 2, sec. 2 (1)). Section 12 of the Act of Congress, authorizing seizures of American ships by British officers, provides for the delivery with the ship of "any witnesses and proofs on board." (Act approved the 6th April, 1894, 28 Statutes, 52.) The instructions of the Secretary of the Navy to the Commander of the United States' naval force in Behring Sea, dated the 4th May, 1894, a copy of which was sent by the Secretary of State to the British Minister (Senate Ex. Doc. 67, 53rd Congress, 3rd Session, page 124), required the Commanding Officer making the seizure to draw up a declaration in writing, and deliver the same with the vessel, whether such delivery should be made to British or American authorities (*id.* 126). I have found no similar requirement in the British Act, Orders in Council, or Instructions, and the declarations directed by the instructions to American officers were merely intended to carry out Section 12 of the Act of Congress. These, as well as the indorsement on the certificate above mentioned, were manifestly required, not for the purpose of justifying the seizures to other naval officers to whom delivery might be made, but to indicate evidence for use in the Courts where proper charges would be formulated from the evidence produced. As all seizures are to be made by naval officers, and the vessels seized delivered to other naval officers, when not taken direct to the judicial authorities, it could not have been expected that the niceties of legal procedure should be observed in such statements.

The authority of American cruisers to seize British ships is found in the Act of Parliament above cited, and in the Orders in Council authorized thereby, which bear date the 30th April, 1894. Section 1 of such Orders provides that American officers may "seize and detain any British vessel which has become liable to be forfeited to Her Majesty under the provisions of the recited Act, and may bring her for adjudication before any such British Court of Admiralty as is referred to in section 103 of 'The Merchant Shipping Act, 1854' (which section is set out in the second Schedule to the recited Act), or may deliver her to any such British officer as is mentioned in the said section for the purpose of being dealt with pursuant to the recited Act." The mode provided by the Behring Sea Award Act for dealing with vessels so seized is to subject them

to legal proceedings in the British Courts (second Schedule, section 103). Section 2 of said Orders in Council, which relates to the conduct of British cruisers seizing American vessels, provided that "such officer, after seizing and detaining a ship of the United States in exercise of the said powers, shall take her for adjudication before a Court of the United States having jurisdiction to adjudicate in the matter, or deliver her to any naval or revenue officer or other authorities of the United States." While it is not explicitly stated, it is manifest that the intention was to substitute delivery to the naval authorities of the country to which the vessel belongs in place of delivery to its judicial authorities merely for convenience, and not for the purpose of dispensing with legal proceedings or having a trial by such naval authorities instead. Such delivery is a mere transfer of custody.

The law of each country requires that its vessels, when seized by its own cruisers, shall be brought into Court for adjudication (second Schedule, Act of Congress, *supra*, sections 9 and 11), and intended to give to the cruisers of the other country the same rights given those of its own (Act of Parliament (8), Act of Congress, section 12).

It may be suggested that the Commander of a cruiser conducts an investigation in deciding whether to seize or not to seize, and further that, after seizure, he may revoke his decision and release. But two things would prevent the conclusion that a naval officer, to whom delivery is made of a vessel seized under the provisions of the Treaty, has power either to review or to investigate anew. One is the spirit of comity shown by the Acts of both countries, which requires a construction thereof not inconsistent with mutual confidence and respect. The other is that the power of British officers receiving seized vessels from American cruisers is expressly limited to bringing them into Court for adjudication. (Orders in Council, section 1, second Schedule, Behring Sea Award Act, section 103.)

Nothing is said in the Act of either country about liability for wrongful seizures. If it be conceded, upon principles of comity or otherwise, that such liability was contemplated, it must be assumed that both countries had in mind the well-settled principles of the law common to both relative to such liability.

While the Acts of both countries are, of course, directed only against actual cases of unlawful seal fishing, it would be absurd to limit the right of seizure thereby conferred upon each other's cruisers to vessels caught in the act. In all other cases action must depend upon evidence and indications. This was recognized by the authorities of both countries. See Instructions of Secretary of the Navy, *supra*, page 126, which adopts from "Instructions to British cruisers as to seizure" sent by the British Minister to the Secretary of

State (Senate Ex. Doc. *supra*, 116) the following: "Whether the vessel has been engaged in hunting you must judge from the presence of seal-skins or bodies of seals on board, and other circumstances and indications." The possibility of mistakes in such cases is well known. Certainly it could not have been intended by Great Britain to have liability for wrongful seizures by American officers depend upon any different rules from those expressly made applicable to seizures by its own. These are merely the rules of the common law in the analogous case of groundless arrest or prosecution by the civil authorities. There is no liability in any case where reasonable grounds for the seizure are shown, even when the Court has discharged the vessel. (Second Schedule, *supra*, sec. 103.)

The schooners in question, having been seized by due authority, have never been lawfully discharged. It is not even suggested that the American officers who made the seizures did not act in good faith, and they seem to have acted on reasonable grounds of suspicion. My opinion, therefore, is that the Secretary of the Treasury is right in holding that there is no liability for damages on account of such seizures, assuming that there was, in fact, no violation of law by either of the schooners seized. While voluntary release by the seizing officer might dispense with judicial discharge as one of the conditions of liability, this would result only because such release would be an admission of innocence. It will hardly be claimed that the release by British naval officers operated as an admission by the American officers who made the seizure.

Very respectfully,

R. Olney, Esq.

JUDSON HARMON, *Attorney-General*

No. 32.—The Marquess of Salisbury to Sir J. Parncefcote.

SIR,

Foreign Office, February 21, 1896.

DURING the sealing season of 1895 complaints have been made against the proceedings of the United States' revenue-cruisers in searching and seizing British vessels without sufficient cause.

You are authorized to communicate to the United States' Government copies of the inclosed letter from the Collector of Customs at Victoria of the 15th October, with the declaration of Isaac A. Gould, and the list of boardings which accompany it.

It appears from those papers that out of twenty-nine vessels which had then returned from Behring Sea, no less than twenty-six had been boarded by United States' officers, and these, in the aggregate, eighty-two times. The average was, therefore, more than three boardings for each vessel, and in one case, that of the *Sapphire*, the vessel was boarded six times in the course of twenty-

four days. In nearly every instance the seal-skins were overhauled and examined and left in confusion, and on each occasion they had to be repacked in salt by the crews. The net result of all this labour and annoyance was that the entries in the log-book of the *Beatrice* were found to be a few days in arrear, and that a hole was discovered in one seal-skin out of a cargo of 386 on board the *E. B. Marvin*, which, in the opinion of the United States' naval officer, had the appearance of being a shot wound. Both these vessels were seized, and were subsequently sent to Victoria for trial.

Admiral Stephenson and the Officer Commanding Her Majesty's ship *Pheasant* have also commented on the frequency with which the vessels were visited, and on the manner in which the search was conducted. These two officers state, moreover, that the men who command the sealing-schooners are most anxious to carry out all regulations to the letter.

Her Majesty's Government have also been informed that the United States' naval officers considered themselves authorized by their instructions to board indiscriminately all British sealers.

Your Excellency will observe from the foregoing summary, that the complaints of the sealing-vessels against the United States' revenue-cruisers belong to three different categories:—

1. The seizure of vessels for alleged offences on evidence obviously insufficient.
2. The exercise of the right of search in cases where no suspicion exists as to an offence having been committed.
3. Vexatious and inquisitorial interference.

With regard to the question of seizure, it has been notified to the United States' Government on several occasions that the United States' cruisers are only empowered by the British Order in Council to seize British vessels contravening the provisions of the British Act of Parliament, which contains no provision similar to section 10 of the United States' Act, and that the United States' naval officers have therefore no power to seize British vessels merely on the ground that they have sealing apparatus or implements on board. The British Act of Parliament only gives a power to seize where an offence has been committed, and the Order in Council authorizes the seizure and detention of any British vessel which has become liable to be forfeited. Even by the United States' law, no general power is conferred to board and search vessels without specific grounds of suspicion. I have already requested your Excellency, in my despatch of the 27th September last, to inform the United States' Government that British naval officers will in future decline to take over any British vessel seized by an American cruiser unless the declaration alleges a specific offence which is a contravention of the British Act of Parliament.

There appears to have been some misconception on the part of the United States' naval officers, who have attempted to apply United States' law to British vessels, as is shown by the clearance certificate granted to the *E. B. Marvin* by Lieutenant Carmise of the United States' navy, in which the Proclamation of the President and the United States' Regulations are quoted. A copy of this certificate is inclosed. It should be brought to the notice of the United States' Government, with the request that the naval officers may be informed that their powers, as far as British vessels are concerned, exist solely in virtue of the British Act of Parliament, and the Order in Council issued under it, and are restricted within the limits of the provisions by which those powers are therein defined.

The exercise of the right of search is likewise subject to restrictions.

The Act of Parliament contains no section enabling an officer to stop and examine any vessel such as existed in the Seal Fishery Acts of 1891 and 1893. The Arbitration Award required that the offences specified in Articles I and II should be prohibited, but did not require any preventive action before the commission of the offence. If an officer has reasonable cause to suspect a vessel of having committed an offence it is open to him to stop and examine her, but he is clearly not justified, in the absence of any specific ground for suspicion, in stopping and examining every vessel he meets as a purely precautionary or preventive measure.

In any case, the vexatious and uncalled-for interference reported during the past season gives just cause for complaint. Amongst the points agreed to by the Secretary of the Treasury with reference to the instructions to the United States' naval officers in May 1894 were the following:—

That the masters of the sealing-vessels should be protected from inquisitorial examination; that no sealing-vessel should be seized by reason of the absence of a licence or of fishery implements being found on board; that the United States' naval instructions as to the mode of dealing with sealing-vessels should be similar to the British naval instructions; and that the naval officer who examines a sealing-vessel shall leave a certificate with her master for his protection against interference.

These provisions, which had special reference to the arrangement for sealing-up arms in 1894, show the spirit in which the instructions for carrying out the Award were issued, and it is essential that an international Agreement involving questions of so delicate a nature should be administered with mutual forbearance and moderation.

Her Majesty's Government feel sure that it is not the intention

r desire of the United States' Government that men engaged in a perfectly legitimate occupation, who, according to both British and American reports, are most anxious to observe strictly the Regulations imposed for public reasons on that occupation, should be treated as if they were continually engaged in trying to evade and break the law, and subjected to unnecessary loss and trouble. The right of searching British vessels was conferred on United States' officers on the assumption that they would exercise their powers with the same consideration as would in like circumstances be shown to such vessels by Her Majesty's naval officers, and Her Majesty's Government have no doubt that, when the matter is brought to the notice of the United States' Government, they will issue such orders as will put an end to an interference with British vessels on the high seas, which has given rise to so many complaints, and which is not warranted by the provisions of British law.

Your Excellency will address a note to the United States' Government in the sense of this despatch, and make such further representations as you may deem advisable.

I am, &c.,

SALISBURY.

Sir J. Pouncefote.

(Inclosure 1.)

Customs, Canada, Victoria, British Columbia,

October 15, 1895.

SIR,

I HAVE the honour to forward herewith, for your information, a statement giving the names of the sealing-vessels, the latitude and longitude of each at the time the schooners were boarded in Behring Sea while engaged in seal fishing outside of the 60-mile zone round the Pribyloff Islands.

I beg to say that all the vessels have not yet returned, there being eight still out. All those that have arrived report having been boarded, with only three exceptions.

The boarding officers certified on the official log-book the time of boarding, the position of the vessel, and also the number of seal-skins then on board.

The examination of the seal-skins and the opening out of them, shaking the salt from the skins, tossing and heaving them about the hold of the vessel, and leaving the skins on each occasion without salt, and at no time offering to repack the skins as they found them, seems to be the only cause of complaint of the majority of the masters and crews during their voyage to Behring Sea this year.

There were only two schooners seized in Behring Sea for alleged contravention of "The Behring Sea Award Act, 1894," viz. :—

Schooner *Beatrice*, of Vancouver, British Columbia, Louis O. master, seized in latitude 55° 1' north, longitude 168° 55' west, United States' ship *Rush*, for not entering catch of seals in official log-book.

Schooner *E. B. Marvin*, of Victoria, British Columbia, seized in Behring Sea by the United States' ship *Rush*, in latitude 56° 25' north, and longitude 172° 59' west, for violation of Article 6 of the Regulations of the Paris Award, that is, for having one skin which appears to have a shot-hole in it. At the time of seizure the *E. B. Marvin* had on board 386 fur-seal skins.

The schooners that have returned have all obtained fair catches but on the whole the entire catch for the season will be about 23,000 short of last year, owing chiefly to the small British Columbian coast catch and on the coast of Japan caused chiefly by stormy weather.

Those vessels that were boarded in Behring Sea during the past season will not be likely, I think, to present any claims for detention, as none actually suffered loss.

All the skins on being landed were found to be in excellent condition, and the price paid here for each skin has been 10 dol. 50 c. but the greater proportion of seal-skins has gone forward to London to be sold at the next sale that takes place about the 26th proximo.

I have, &c.,

Wm. Smith, Esq.,

A. R. MILNE, Collector.

Deputy Minister of Marine and Fisheries,
Ottawa.

(Inclosure 2.)—Declaration.

By this public instrument of protest hereinafter contained, be it known and made manifest unto all people that on the 15th day of October, in the year of our Lord 1895, personally came and appeared before me, Harry Dallas Helmcken, notary public duly authorized, admitted, and sworn, residing and practising in the city of Victoria, Province of British Columbia, and Dominion of Canada, Isaac Archibald Gould, who did duly and solemnly declare and state for truth as follows, that is to say:—

1. That I have been captain and registered managing owner of the schooner *Katherine* since the month of December 1893.

2. That the said schooner left the port of Victoria on the 25th day of January, A.D. 1895, bound for the west coast, and remained sealing until the 30th day of April, A.D. 1895, when the said schooner returned to the said port.

3. That the said schooner, with a crew of seven whites and twenty-one Indians, left for Unalaska and Behring Sea on the 15th day of June, A.D. 1895, and remained sealing until the 13th day of September, 1895.

4. That the said schooner, when clearing from the port of Victoria, had no shot-guns nor rifles, nor shells, nor ammunition of any kind (except one bomb-gun) on board, but had between thirty and forty spears for the purpose of hunting seals.

5. That the said schooner reached Unalaska on the 20th day of July, A.D. 1895, and immediately on arrival reported to the Customs. While in port the said schooner was boarded by two of the American cutters lying at anchor, and I was cross-examined by their officers strictly as to the nature of the voyage, and as to what arms the said schooner carried. They appeared to be satisfied with my replies.

6. That the said schooner left Unalaska on the 31st day of July A.D. 1895, bound for the Behring Sea.

7. That on the 11th day of August, A.D. 1895, the said schooner was boarded by the United States' revenue-cutter *Grant*, and against my wish searched by her officers. The catch of skins, numbering 213, which had been carefully salted and put in the hold, were pulled out of the salt, and left scattered in the hold. The officers volunteered to have the skins replaced as they were, but as I had no confidence in the man tendered, from my own previous knowledge of him, I was obliged to decline the offer, and, in consequence, I was compelled to have the said skins resalted and repacked.

8. That I have no fault to find with the personal behaviour of the several officers of the *Grant* towards me.

9. That the said officers made the following entry in my official log-book :—

“ *Latitude 54° 54' N., Longitude 167° 58' W.,*
August 11, 1895.

“ Boarded this 11th day of August, 1895, by officers from United States' revenue-cutter *Grant* and the skins on board found to correspond with entries in official log.

“ D. F. TOZIER, *Captain, U. S. R. C. S.,*

“ K. W. PERRY, *2nd Lieutenant, U. S. R. C. S.,*

Boarding Officers.”

10. That the said schooner continued sealing until the 24th day of August, A.D. 1895, when the said schooner was boarded by the United States' revenue-cutter *Rush*.

11. That on this occasion the weather was rough, wind freshening,

and indications of bad weather. I was sailing under short sail to hunt three of my canoes. About 5 P.M. I was spoken to heave-to and allow them to board. I said I had lost three canoes, and wanted to find them, and did not wish to be detained, as I wished to find the canoes. After I found two of the canoes the boarding officer came aboard to search the vessel. I protested, as I had only found two of my canoes. I was feeling uneasy about the third, and I wanted to find the third canoe, as the weather looked threatening. The officer said he would not overhaul the skins, but would detain me to overhaul the log. He asked me why I did not heave-to when spoken to, and I replied that I considered the men's lives of more importance than his business was, and I wished to protest against the assumption that a sealing-schooner must, when on the high seas, heave-to when spoken to and submit to being searched at the will of each and every officer who boards.

12. The said officers did not disturb the skins in salt on account of being called on board the said cutter *Rush*, but before leaving made the following entry in my official log:—

“ Latitude 54° 47' N., Longitude 168° 27' W.,
August 24, 1895.

“ Boarded, and found skins to agree with entries in log.

“ J. G. BALLINGER, 2nd Lieutenant, Boarding Officer.

13. That on the 27th day of August, A.D. 1895, Captain Folger, of the American sealing-schooner *Webster*, visited me in latitude 54° 48' north, longitude 168° 50' west, and in the course of conversation told me that he was sealing near the prohibited zone of the Pribilof Islands. An American cutter came to him about noon, and told him his boats were inside the line. He replied that he was just taking the sun, as he himself feared he was inside the line, and was flagging his boats to come on board. The cutter told him that he had better get out, as his boats were inside. At the same time he (said Captain Folger) could see American schooner *Willard Ainsworth* some miles further in than he was. She was also allowed to go without being seized.

And this appearer doth protest, and I, the said notary, do also protest, against the aforesaid boarding, searching, interference, and occurrences, and against all loss, damage and expenses occasioned thereby.

And I, the said Isaac Archibald Gould, do solemnly and sincerely declare that the foregoing statement is correct, and contains a true account of the facts and circumstances.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and

effect as if made under oath and by virtue of "The Evidence Act, 1894."

I. A. GOULD.

Taken and declared before me at Victoria, British Columbia, this 15th day of October, A.D. 1895.

H. DALLAS HELMOKEN, *Notary Public in and for the Province of British Columbia.*

(Inclosure 3.)

PORT OF VICTORIA, BRITISH COLUMBIA.

British Vessels boarded in Behring Sea, 1895.

(Inclosure 4.)—*Clearance Certificate.*

WILLIAM D. BYER, master of the schooner *E. B. Marvin* of Victoria, British Columbia, having declared to the correctness of the accompanying manifest, and delivered a duplicate thereof, permission is hereby granted to the said schooner to proceed in Behring Sea for the purpose of hunting fur-seals, according to printed instructions furnished the master, consisting of the President's Proclamation, and Regulations governing vessels employed in fur-seal fishing for 1895.

G. O. CARMINE, *2nd Lieutenant, United States' Revenue-cutter Service, Acting Customs Officer.*

*United States' Cutter Service, District of Alaska,
Port of Attou, July 29, 1895.*

No. 33.—*Sir J. Parncefote to the Marquess of Salisbury.—(Received March 9.)*

MY LORD, *Washington, February 27, 1896.*

I HAVE the honour to transmit herewith the text of a Bill "to amend an Act entitled an Act to prevent the extermination of fur-bearing animals in Alaska," which was passed by the House of Representatives on the 25th instant.

I also transmit the text of the Report of the Committee of Ways and Means upon the measures.

The Bill is framed as an amendment of the Act of the 1st July, 1870, providing for the lease of the seal fisheries on the Pribyloff Islands, and regulating the catch. It authorizes the President to negotiate with Great Britain, Russia, and Japan, or any of them, for the appointment of a Joint Commission to revise the Regulations

now in force, and to conclude a *modus vivendi* pending the Report of the Commission.

If the *modus vivendi* be not concluded, and regulations under the same effectual, in the President's judgment, for the preservation of the Alaskan seal herd, be not put into operation for this year's sealing season, then the Secretary of the Treasury, with the approval of the President, is authorized to kill all seals found on the Pribyloff Islands.

A similar Bill was passed by the House of Representatives on the 1st March, 1895, but it only came before the Senate on the last day of the Session, and in the absence of unanimous consent, was not considered.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE

(Inclosure 1.)

54th Congress, 1st Session.—H. R. 3206.

(Report No. 451.)

IN THE HOUSE OF REPRESENTATIVES.

January 3, 1896.—Mr. Dingley introduced the following Bill, which was referred to the Committee on Ways and Means, and ordered to be printed.

February 20, 1896.—Committed to the Committee of the whole House on the state of the Union, and ordered to be printed.

A Bill to amend an Act entitled "An Act to prevent the Extermination of Fur-bearing Animals in Alaska," and for other purposes.

(Inclosure 2.)

54th Congress, 1st Session.—Report No. 451.

HOUSE OF REPRESENTATIVES.

FUR-BEARING ANIMALS IN ALASKA.

February 20, 1896.—Committed to the Committee of the whole House on the state of the Union, and ordered to be printed.

Mr. Dingley from the Committee on Ways and Means, submitted the following Report.

No. 34.—Sir J. Pouncefote to the Marquess of Salisbury.—(Received March 21.)

MY LORD,

Washington, March 12, 1896.

I HAVE the honour to forward herewith to your Lordship copy of a note which I have received from the United States' Secretary of State respecting the threatened extinction of the seal herd on the Pribyloff Islands.

Mr. Olney states that the Special Agent in charge of those islands reports that "by actual count 28,000 seal pups died on the Pribyloff Islands during the past season from starvation, their mothers having been killed at sea."

He also draws attention to the unprecedentedly large catch of seals in Behring Sea during the past season, and he adds that it is believed that another catch of similar size for the coming season will almost completely exterminate the fur-seal herd.

Mr. Olney points out that while, for the reasons given by him, there was a small falling-off in the total catch of last season in the North Pacific and Behring Sea as compared with the catch of 1894, on the other hand, the catch in Behring Sea increased very largely in 1895, as shown by the figures given in his note.

In bringing these facts to the attention of Her Majesty's Government, Mr. Olney expresses the hope that they will realize the absolute necessity of consenting for the coming season to some further regulation regarding the fur-seal fishery, to the end that the valuable herd may be saved from total extermination.

Your Lordship will observe that no action is now proposed by the United States' Government in conjunction with Russia and Japan, or otherwise, for a revision of the Paris Award Regulations.

But in view of the alarming destruction of the seal pups from starvation on the Pribyloff Islands owing to the excessive killing of the mothers at sea, Her Majesty's Government are urged to give their consent to some new regulation applicable within Behring Sea, which shall obviate a result equally calamitous to the interests of both countries. Assuming the facts stated in Mr. Olney's note to be undisputed, his present proposal does not appear to conflict with the views expressed in your Lordship's despatch to Viscount Gough of the 29th July, 1895, as regards the circumstances which would justify a departure from the Regulations prescribed under the Paris Award.

I have transmitted a copy of Mr. Olney's note to the Governor-General of Canada.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE.

(Inclosure.)—*Mr. Olney to Sir J. Pouncefote.*

Department of State, Washington

March 11, 1896.

EXCELLENCY,

IN connection with previous correspondence upon the subject, I have the honour to advise you of the receipt of a letter from the Acting Secretary of the Treasury of the 6th instant, wherein he states that according to the last annual Report of Mr. J. B. Crowley, Special Agent in charge of the seal islands, it appears that, by actual count, 28,000 seal pups died on the Pribyloff Islands during the past season from starvation, their mothers having been killed at sea. A careful estimate, based upon a partial count, places the number of pups which died from starvation during the season of 1894 at 20,000. The count for 1895 was carefully verified by an agent of the North American Commercial Company upon the Pribyloff Islands.

Mr. Crowley's Report, with other papers, was recently transmitted by the Secretary of the Treasury to the Senate, in compliance with the Resolution of that Body, and is now, I understand, in the hands of the public printer, its publication having been ordered. I shall request Mr. Carlisle to give me copies of this publication when printed, and shall send you, if possible, copies thereof at the earliest possible date.

I desire, also, to call your attention to the unprecedentedly large catch of seals in Behring Sea during the past season. The total was 44,169, as compared with 31,585 during the season of 1894. This is by far the largest catch ever made in the Behring Sea, and it is believed that another catch of similar size for the coming season will almost completely exterminate the fur-seal herd. I am advised that the greater portion of the seals killed at sea were females.

The total catch during the last season in the North Pacific and Behring Sea from the American herd was 56,291, as compared with the total for 1894 of 61,838, the small falling-off being due to the inclemency of the weather between January and May along the north-western coast, and also to the diminution of the seal herd. On the other hand, the catch in Behring Sea increased very largely, as the figures herein referred to will clearly indicate.

I have thought it advisable, therefore, to bring these facts to your attention in the hope that Her Majesty's Government will realize the absolute necessity of consenting, for the coming season, to some further regulation regarding the fur-seal fishery to the end that the valuable herd may be saved from total extermination.

Asking that this matter may be promptly laid before Her

Majesty's Government, and that I may be advised of the conclusion reached thereon without unnecessary delay, I have, &c.,

Sir Julian Pauncefote.

RICHARD OLNEY.

No. 35.—Sir J. Pauncefote to the Marquess of Salisbury.—(Received April 2.)

MY LORD,

Washington, March 23, 1896.

WITH reference to your Lordship's despatch of the 21st ultimo, I have the honour to transmit herewith copy of a note which, in accordance with the instructions therein contained, I have addressed to the United States' Government on the subject of the unnecessary interference of United States' cruisers with British sealing-vessels in Behring Sea.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE.

(Inclosure.)—Sir J. Pauncefote to Mr. Olney.

SIR,

Washington, March 19, 1896.

HER Majesty's Government have had under their consideration Reports from British officials respecting the sealing season of 1895, in which complaint is made of the proceedings of the United States' revenue-cruisers in searching and seizing British vessels without sufficient cause.

I am directed by Her Majesty's Principal Secretary of State for Foreign Affairs to communicate to your Government the inclosed documents, and to submit the following observations thereon:—

The documents consist of—

1. A letter from the Collector of Customs at Victoria, of the 15th October last.

2. A declaration of Isaac A. Gould, master of the sealing-schooner *Katherine*, detailing the methods of boarding and searching vessels, and of the examination of seal-skins.

3. A statement of the names of British vessels boarded by United States' patrol-vessels during the season 1895 outside the 60-mile zone round the Pribyloff Islands, with the latitude and longitude at the time of each visit.

4. Copy of a clearance certificate issued to the British sealing-vessel *E. B. Marvin*, by Lieutenant Carmine, United States' Acting Customs Officer at the Island of Attou.

It appears from those papers that out of twenty-nine vessels which had then returned from Behring Sea, no less than twenty-six

had been boarded by United States' officers, and these, in the aggregate, eighty-two times. The average was, therefore, more than three boardings for each vessel, and in one case, that of the *Sapphire*, the vessel was boarded six times in the course of twenty-four days. In nearly every instance the seal-skins were overhauled, and examined and left in confusion, and on each occasion they had to be repacked in salt by the crews. The net result of all this labour and annoyance was that the entries in the log-book of the *Beatrice* were found to be a few days in arrear, and that a hole was discovered in one seal-skin, out of a cargo of 386 on board the *E. B. Marvin*, which, in the opinion of the United States' naval officer, had the appearance of being a shot wound. Both these vessels were seized, and were subsequently sent to Victoria for trial.

Admiral Stephenson and the Officer Commanding Her Majesty's ship *Pheasant* have also commented on the frequency with which the vessels were visited, and on the manner in which the search was conducted. These two officers state, moreover, that the men who command the sealing-schooners are most anxious to carry out all regulations to the letter.

Her Majesty's Government have also been informed that the United States' naval officers considered themselves authorized by their instructions to board indiscriminately all British sealers.

It will be observed from the foregoing summary that the complaints of the sealing-vessels against the United States' revenue-cruisers belong to three different categories:—

1. The seizure of vessels for alleged offences on evidence obviously insufficient.
2. The exercise of the right of search in cases where no suspicion exists as to an offence having been committed.
3. Vexatious and inquisitorial interference.

With regard to the question of seizure, it was pointed out in a note to Mr. Gresham of the 30th April, 1894, and it has since been notified to your Government on several occasions, that the United States' cruisers are only empowered by the British Order in Council to seize British vessels contravening the provisions of the British Act of Parliament, which contains no provision similar to section 10 of the United States' Act, and that the United States' naval officers have, therefore, no power to seize British vessels merely on the ground that they have sealing apparatus or implements on board.

The British Act of Parliament only gives a power to seize when an offence has been committed, and the Order in Council authorizes the seizure and detention of any British vessel which has become liable to be forfeited. Even by the United States' law no general

power is conferred to board and search vessels without specific grounds of suspicion.

Accordingly, by direction of the Marquess of Salisbury, I had the honour, in a note of the 14th October last, to inform you that British naval officers would in future decline to take over any British vessel seized by an American cruiser unless the declaration alleged a specific offence, which is a contravention of the British Act of Parliament.

There appears to have been some misconception on the part of the United States' naval officers, who have attempted to apply United States' law to British vessels, as is shown by the clearance certificate granted to the *E. B. Marvin*, by Lieutenant Carmine, United States' navy, in which the Proclamation of the President and the United States' Regulations are quoted.

A copy of this certificate is among the documents inclosed, and I am directed to bring it to the notice of your Government, with the request that the United States' naval officers may be informed that their powers, as far as British vessels are concerned, exist solely in virtue of the British Act of Parliament, and the Order in Council issued under it, and are restricted within the limits of the provisions by which those powers are therein defined.

The exercise of the right of search is likewise subject to restrictions.

The British Act of Parliament contains no section enabling an officer to stop and examine any vessel such as existed in the Seal Fishery Acts of 1891 and 1893.

The Arbitration Award required that the offences specified in Articles 1 and 2 should be prohibited, but did not require any preventive action before the commission of the offence.

If an officer has reasonable cause to suspect a vessel of having committed an offence, it is open to him to stop and examine her, but he is clearly not justified, in the absence of any specific ground for suspicion, in stopping and examining every vessel he meets as a purely precautionary or preventive measure.

In any case, the vexatious and uncalled-for interference reported during the past season gives just cause for complaint. Among the points agreed to by the Secretary of the Treasury when I had the honour to discuss the subject with him by desire of Mr. Gresham, with reference to the instructions to the United States' naval officers in May 1894, were the following :—

That the masters of the sealing - vessels should be protected from inquisitorial examination ; that no sealing-vessel should be seized by reason of the absence of a licence, or of fishery implements being found on board ; that the United States' Naval Instructions as to the mode of dealing with sealing-vessels should be similar to the

British Naval Instructions; and that the naval officer who examines a sealing-vessel shall leave a certificate with the master for his protection against interference.

I would refer you also to the Memorandum of arrangements agreed upon and recorded in my note to Mr. Gresham of the 10th May, 1894, and in his reply on the 11th.

These provisions which had special reference to the arrangements for sealing-up arms in 1894, show the spirit in which the instructions for carrying out the Award were issued, and it is essential that an International Agreement involving questions of so delicate a nature should be administered with mutual forbearance and moderation.

Her Majesty's Government feel sure that it is not the intention or desire of the United States' Government that men engaged in a perfectly legitimate occupation, who, according to both British and American reports, are most anxious to observe strictly the regulations imposed for public reasons on that occupation, should be treated as if they were continually engaged in trying to evade and break the law, and subjected to unnecessary loss and trouble.

The right of searching British vessels was conferred on United States' officers on the assumption that they would exercise their powers with the same consideration as would in like circumstances be shown to such vessels by Her Majesty's naval officers, and Her Majesty's Government have no doubt that when the matter is brought to the notice of your Government, they will issue such orders as will put an end to interference with British vessels on the high seas which has given rise to so many complaints, and which is not warranted by the provisions of British law.

I have, &c.,

R. Olney, Esq.

JULIAN PAUNCEFOTE

No. 37.—The Marquess of Salisbury to Sir J. Pouncefote.

(Telegraphic.)

Foreign Office, April 17, 1896.

I HAVE received your despatch of the 12th ultimo. A reply to the following effect is being sent to you by this evening's mail:—

The representations of the United States' Government have been carefully considered by Her Majesty's Government, but no proof has ever been given that the mortality of pups is to be ascribed to pelagic sealing, and, in the opinion of Her Majesty's Government, the evidence does not tend to show an imminent risk of the annihilation of the seals. The necessity is not established for at

once imposing increased restrictions, and there would not now be time to give effective notice of an alteration in the Regulations.

The desire of the United States' Government for all necessary and practicable measures for preventing the destruction of the seals is fully shared by Her Majesty's Government, who propose to employ an additional cruiser this season on patrol duty. Notice has been issued by the Canadian Government that nursing females should be distinguished from those which are barren in future Returns.

Her Majesty's Government propose to send a naturalist from England to reside this season on the Pribyloff Islands, and the Canadian Government likewise wish that Mr. Macoun should go to continue his investigations. These gentlemen should reach the islands at an early date in June, and it is the hope of Her Majesty's Government that the authorities of the United States will facilitate and co-operate in their mission.

It is suggested that it might be possible to arrange with the Company who lease the catch to permit them to take passage by their steamer.

On this point your Excellency should make inquiry and report the result by telegraph. The departure of the steamer from San Francisco takes place early in May.

No. 38.—The Marquess of Salisbury to Sir J. Pauncefoot.

SIR,

Foreign Office, April 17, 1896.

I HAVE carefully considered, in communication with Her Majesty's Secretary for the Colonies, your Excellency's despatch of the 12th ultimo, inclosing a copy of a note from the United States' Secretary of State, in which Her Majesty's Government are asked to agree to some further restriction on pelagic sealing in Behring Sea for the coming season in view of the alleged imminent extermination of the seal herd.

Mr. Olney's apprehensions on this head appear to be founded mainly on the fact that by actual count 28,000 dead pups were found on the island last year, and on the assumption that the deaths of these pups were the direct result of their mothers having been killed at sea.

But, as your Excellency is aware from the exhaustive discussion of the question in the Report and Supplementary Report of the British Behring Sea Commissioners, it has not been satisfactorily established that the mortality among the pups is caused by the killing of seals at sea. The date, moreover, which the Arbitrators fixed for the opening of Behring Sea pelagic sealing, and the radius

within which sealing was prohibited round the Pribiloff Islands, were determined after full consideration to be sufficient to protect nursing females whose pups were not able to provide for themselves.

It should also be borne in mind that in the Behring Sea catch of 1895 the proportion of males taken by Canadian sealers was about 45 per cent. of males against 55 per cent. of females, although the Returns of the American sealers in that sea gave an average of three females to one male.

In the meantime the admitted fact that the seals at sea show no apparent diminution in numbers, and that the sealers in the Behring Sea were able to make practically as large catches last year, as in the previous year, does not point to the imminent extermination of the seals.

The Returns show that the Canadian sealing-vessels all kept well outside the 60-mile radius, and as there seems little doubt that during the period when sealing is allowed in Behring Sea the great bulk of the seals are inside that limit, the natural deduction is that less than half the herd is at any time exposed to capture, and that the danger of extermination by pelagic sealing must therefore be comparatively remote.

It is observed that on the islands 15,000 seals were killed last season as compared with 16,000 in the season of 1894; but in the Reports which have been received on this point, it is not stated whether any difficulty was experienced in obtaining that number of skins nor from what class of seals the skins were taken.

Taking into account the catch on the islands, the whole catch from the Alaskan herd was 71,300 in 1895 as compared with 71,716 in 1894, being only about half the total catch taken in 1889 and previous years; and though it may be the case that a slaughter of some 70,000 a year is more than the herd can properly bear for a series of years, Her Majesty's Government see no reason to believe that it is so large as to threaten early extermination.

The necessity for the immediate imposition of increased restrictions to take effect during the coming season does not therefore appear to be established, and it must be borne in mind that at this late period it is no longer possible to give effective warning of any change in the Regulations to the large number of vessels which have already cleared for the Japan coast fishery, and which will, after that is concluded, proceed to Behring Sea for the opening of the fishery in August. The imposition of restrictions without due warning would cause great confusion and hardship, and would undoubtedly give rise to large claims for compensation on grounds which could not with justice or reason be disputed.

But Her Majesty's Government fully share the desire so strongly expressed by Mr. Olney that all necessary and practicable measures should be taken to prevent the possible extermination of the seals.

As a precaution for the strict observance of the Regulations prescribed by the Tribunal of Arbitration, and now in force, they will give directions for the employment of an additional cruiser this season in policing the fisheries, although as far as they have been able to judge, the force employed up to the present time has been sufficient.

In accordance with the desire expressed by Mr. Olney in his note to your Excellency of the 6th February, they have requested the Dominion Government to issue a notice to the effect that the Returns which the sealing-vessels are required to furnish shall in future specify which of the females killed are barren and which are in milk, and a reply has been received from the Governor-General of Canada that this will be done.

In order to investigate more completely the question of the necessity of further restrictions in future years, they are desirous at once to take the necessary steps for conducting an independent inquiry on the Pribyloff Islands into the state of the herd by an Agent sent from this country. This gentleman would be a naturalist possessed of the necessary scientific qualifications, and care will be taken to select a person who will be entirely free from bias in carrying out the mission intrusted to him.

The Canadian Government are also desirous of sending Mr. Macoun again to the islands this season in order to continue his investigations.

The British Agent and Mr. Macoun would arrive at the islands early in June and remain until towards the end of September; and Her Majesty's Government would be glad if the United States' authorities would grant them all necessary facilities and co-operate with them as far as possible.

It has been suggested that arrangements might perhaps be made with the Company which leases the seal catch on the Pribyloff Islands to allow the British Agent and Mr. Macoun to proceed in their steamer as passengers; and I shall be glad if inquiries can be made on this point. It is understood that the steamer leaves San Francisco next month.

Your Excellency should address a note to Mr. Olney in the sense of this despatch.

I am, &c.,

Sir J. Pouncefote.

SALISBURY.

No. 40.—*Sir J. Pauncefote to the Marquess of Salisbury.*—(Received April 23.)

(Telegraphic.)

Washington, April 22, 1896.

I HAVE the honour to inform your Lordship, in reference to your telegram of the 17th instant, that the desired permission will be granted by the United States' Government to the Canadian official and the English naturalist whom it is proposed to dispatch to the Pribyloff Islands, and application will be made by the United States' Government to the Company for steamer facilities.

No. 41.—*Sir J. Pauncefote to the Marquess of Salisbury.*—(Received April 24.)

MY LORD,

Washington, April 14, 1896.

WITH reference to your Lordship's despatch of the 21st February last respecting the sealing season of 1895 and the proceedings of the United States' revenue-cruisers in searching and seizing British vessels without sufficient cause, I have the honour to forward herewith to your Lordship copy of a note which I have received from Mr. Olney in reply to one which I addressed to him on this subject.

The Secretary of State reviews at length the complaint made in regard to the proceedings of the United States' revenue-cruisers in searching and seizing British sealing-vessels in Behring Sea and the North Pacific.

Mr. Olney states that the protest as to the action of a United States' revenue-cutter with regard to the schooners *Webster* and *Willard Ainsworth* will receive careful investigation by the Treasury Department.

The form of clearance to be granted in the future by the revenue-cutter officers stationed at the Island of Attou to British sealing-vessels will omit any reference to the President's Proclamation or to the legislation of Congress.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE.

(Inclosure.)—*Mr. Olney to Sir J. Pauncefote.*

EXCELLENCY, *Department of State, Washington, April 9, 1896.*

YOUR note of the 19th ultimo, preferring, on behalf of Her Majesty's Government, certain complaints in regard to the proceedings of the United States' revenue-cruisers in searching and seizing British sealing-vessels in Behring Sea and the North Pacific without, it is alleged, sufficient cause appearing therefor, heretofore acknowledged by me on the 25th ultimo, having been referred to

the Secretary of the Treasury for consideration, I am now in receipt of Mr. Carlisle's reply, the substance of which I have the honour to embody herein, as expressing the views of this Government in regard to the matter.

Three general grounds of complaint are specified in your communication concerning the patrol by the Treasury Department during the past season of the North Pacific Ocean and Behring Sea, under the Paris Award and the legislation enacted by Great Britain and the United States, respectively, for enforcing the same. These complaints may be summarized as follows:—

1. That seizure of vessels for alleged offences were made by officers of this Government on evidence obviously insufficient.

2. That the right of search was exercised in cases where there was no just ground to suspect that an offence had been committed.

3. That the interference of United States' revenue-cutters in the operations of British sealing-schooners was vexatious and inquisitorial.

As to the first ground of complaint—that British sealing-schooners were seized for alleged offences on evidence obviously insufficient—it appears that three British sealing-vessels were seized by American cruisers during the past season, namely, the *Shelby*, in the North Pacific Ocean, 11th May, and the *Beatrice*, and the *E. B. Marvin*, on the 20th August and 2nd September respectively in Behring Sea. Of these vessels the *Shelby* was condemned by the British Court; the *E. B. Marvin* was acquitted, but without costs, the Court deciding that there was reasonable cause to believe that she had violated the law, and that the seizure, therefore, was justifiable; and the *Beatrice* was acquitted on the ground that the failure of the master to make the log entries required by the Paris Award was not a violation of the Behring Sea Award Act for which the vessel could be forfeited.

These facts, it is believed, will satisfactorily indicate the discretion and good judgment shown by our revenue-cutter officers in making these seizures, and will demonstrate that the evidence of guilt was not "obviously insufficient."

As to the second ground of complaint—that the right of search was resorted to when no just suspicion existed that an offence had been committed—it appears that information was received by the Treasury Department that during the season of 1894 the law was violated systematically by pelagic sealers, by having shot-guns concealed on board of the vessels and using them in killing seals in Behring Sea, also that the log entries showing the sex of seals killed were systematically falsified.

Under such circumstances, commanding officers of revenue-

vessels could satisfy their suspicions only by making a thorough search of the sealing-vessels met with during the patrol. It would plainly be almost impossible to detect a vessel actually in the act of violating the law by killing seals in the closed season or by fire-arms in Behring Sea. It, therefore, became necessary to board the vessel, to break out the cargo, and to inspect the skins thoroughly to ascertain whether they appeared to have been shot, if in Behring Sea, or whether they appeared to have been freshly killed, if in the closed season.

In view of the dissatisfaction expressed in the communication of your Excellency, this Government can only repeat the expression heretofore made of its deep regret, that the Regulations for the season of 1894, agreed upon by Great Britain and the United States, as to sealing-up arms and equipments, could not have been continued during the season of 1895. Those Regulations provided a simple and easy mode of satisfying the searching officer that no breach of law had been or could have been committed. By sealing-up the arms and equipments, much annoyance, which would otherwise be inevitable, was avoided both by the master of the schooner and by the searching officer.

Inasmuch, however, as Her Majesty's Government refused to agree for the season of 1895 upon a continuance of the Regulations permitting this sealing-up of arms and equipments, or, in fact, upon any Regulations, the only recourse left to the Treasury Department was to order its officers in all cases to make careful and thorough search as to infractions of the law, whether by the use of contraband weapons or in forbidden seasons.

In this connection it may be proper to state that during the past season the masters of twenty-eight British vessels at Unalaska applied to the officers of the Treasury Department to have their fire-arms sealed up, and expressed great dissatisfaction at the refusal of these officers to accede to their requests.

As to the third ground of complaint, that the officers of the patrol fleet had been guilty of vexatious and inquisitorial interference, it seems necessary only to renew the assurance that there was no interference except a careful examination of the vessel and cargo to ascertain whether the skins were shot or freshly killed, in violation of the Award and the British Act of Parliament and Orders in Council. It is respectfully submitted that the right to seize and detain vessels, given to the officers of the United States by the Behring Sea Award Act and the Orders in Council, confers by necessary implication the right to search; and it is further submitted that the right of search thus implied is as complete as in the somewhat analogous case of searching neutral vessels for contraband of war. Until the vessel is visited and searched, it

cannot appear whether its purpose is legal or illegal, whether it is licensed or unlicensed, whether, in short, it has violated the law or obeyed it.

It is further claimed in the communication of your Excellency that seizures under the Act of Parliament can only be made in cases where the British Act has been violated; that under the British Act and Orders in Council there is no power of seizure, merely because of the possession of forbidden sealing apparatus and implements.

Nothing is contained in the instructions to the revenue-cutter officers inconsistent with this claim. On the contrary, these officers have been carefully instructed that the power to seize British vessels is limited to violations of the British Act, and must be exercised under British Orders in Council. If the officer has reasonable cause to believe that an offence has been committed, he is authorized, as this Government understands, to seize the vessel under the British law. To ascertain whether or not an offence has been committed, the officer must examine the vessel, for, otherwise, there could be no seizure except where the vessel is caught in the very act of violating the law, which would rarely happen.

As to the reference in your communication to an agreement with the Secretary of the Treasury in the year 1894, that the instructions to officers of the United States should be similar to those given to the officers of the British navy, your attention is invited to the following extract from the instructions to British naval officers engaged in the patrol for the year 1894, transmitted to this Department by the Honourable W. P. Roberts. The letter of Mr. Roberts also incloses a copy of a letter from the Secretary of Rear-Admiral Stephenson, of the British navy, in which it is stated that the instructions for 1895 were precisely similar to those of 1894.

"If the vessel, which appears to be a sealing-vessel, is found in any waters in which at the time hunting is prohibited, the officer in command of Her Majesty's ship should ascertain whether she is there for the purpose of hunting, or whether she has hunted, or whether she was carried through by stress of weather, or by mistake during a fog, or is there in the ordinary course of navigation on her passage to any place. If he is satisfied that the vessel has hunted contrary to the Act, he will seize her and order her to proceed to a British port hereinafter mentioned; but if the officer is of the opinion that no offence has been committed, he should warn her, and keep her as far as he thinks necessary and is practicable under supervision. He must judge from the presence of seal-skins or bodies of seals on board, and other circumstances and indications, whether the vessel has been engaged in hunting."

The above instructions plainly contemplate that every ship overhauled by a cruiser shall be carefully searched and examined for the purpose of ascertaining whether or not a violation of the law has been committed. Although limited in terms to areas in which seal hunting at the time is prohibited, yet clearly their spirit would seem to apply to searches in Behring Sea, where seal hunting by fire-arms is at all times prohibited. The right of search plainly implied by these instructions has, however, rarely, if ever, been exercised by British cruisers, for the reason that during the season of 1894, although the United States' Government furnished twelve vessels for the patrolling fleet, at an expense, including pay of officers, crews, and rations, of 198,554 dol. 49 c., only one patrolling vessel was furnished by the British Government.

Furthermore, during the season of 1895, although five United States' revenue-vessels patrolled the Award area, at an expense of 69,064 dollars, only one, the *Pheasant*, was furnished for the patrol by the British Government.

Furthermore, our official reports are to the effect that the *Pheasant* remained almost constantly in Unalaska Harbour during the season when sealing was permitted in Behring Sea, taking no part in the patrol.

The reference in the communication of your Excellency to the protest annexed to the letter of Isaac A. Gould, owner of the schooner *Katherine*, as to the action of a United States' revenue-cutter with regard to the schooners *Webster* and *Willard Ainsworth* will receive most careful investigation by the Treasury Department. It may also be added that the form of clearance to be granted in the future by the revenue-cutter officers stationed at the Island of Attou to British sealing-vessels will omit any reference to the President's Proclamation or to the legislation of Congress.

I have, &c.,

Sir J. Pauncefote.

RICHARD OLNEY.

No. 42.—Sir J. Pauncefote to the Marquess of Salisbury.—(Received April 30.)

(Telegraphic.)

Washington, April 30, 1896

BEHRING SEA Regulations.

I have communicated the substance of your Lordship's despatch of the 17th instant to the United States' Government. They urge strongly that the English naturalist who is selected to visit the Pribyloff Islands should visit Washington before proceeding to Alaska, in order to confer with the officials of the Treasury Depart-

ment. It is thought that his doing so would greatly promote the objects of his mission.

No. 43.—Sir J. Pouncefote to the Marquess of Salisbury.—(Received May 11.)

MY LORD,

Washington, May 1, 1896.

WITH reference to your Lordship's despatch of the 17th ultimo respecting the possible extermination of the fur-seal herd in Behring Sea, I have the honour to forward herewith to your Lordship copy of a note which I have received from the Secretary of State, in which he states that the United States' Government welcome an independent inquiry by the British Government into the present state of the herd, through British and Canadian Agents.

Mr. Olney adds that the United States' Government will grant all needful facilities for their investigations, and suggests that the naturalist selected by Her Majesty's Government shall come to Washington on his way to Alaska.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE.

(Inclosure.)—Mr. Olney to Sir J. Pouncefote.

EXCELLENCY, *Department of State, Washington, April 29, 1896.*

I HAVE the honour to acknowledge your favour of the 27th instant, being an answer to my note of the 11th ultimo, wherein is urged the adoption for the coming season of further restrictions on pelagic sealing in Behring Sea, in view of what the Government believes to be the demonstrated imminent extermination of the fur-seal herd.

Without at this time adducing any additional considerations in support of the position taken by the Government, I hasten to say that it welcomes an independent inquiry by the British Government into the present state of the fur-seal herd through the British and Canadian Agents referred to in your note. They will be given all needful facilities for their investigations by this Government, which will request the North American Commercial Company to give them all convenient transportation facilities on its steamers.

I venture also to suggest that if the naturalist selected by the British Government should come to Washington on his way to Alaska, and have a free and full conference with Assistant Secretary

Hamlin, the objects of his mission would probably be greatly promoted.

I have, &c.,

Sir J. Pouncefote.

R. OLNEL

No. 44. — The Marquess of Salisbury to Sir J. Pouncefote.

SIR,

Foreign Office, May 13, 1886.

THE request of the United States' Government that they should be represented by counsel at the trials of British sealing-vessels seized by United States' cruisers in Behring Sea has received careful attention. Their proposal, as stated in your Excellency's telegram of the 23rd September last, is acceptable to Her Majesty's Government, who see no objection to the cases being watched by counsel on behalf of the Government of the United States, and are willing that the counsel so employed should be permitted to examine the pleadings and to make suggestions to the Government counsel. Such suggestions should, however, be confined to the object of protecting United States' interests, and could not be admitted as regards the enforcement of the Behring Sea Award Act, the enforcement of that Act being the duty of Her Majesty's Government.

Your Excellency is accordingly authorized to signify the assent of Her Majesty's Government to the United States' proposal, with the limitation specified above.

With reference to the suggestion previously made, that the United States' Government should be recognized as a party to the litigation, with a *locus standi* before the Court, I have to state that Her Majesty's Government would be unable to consent to such an arrangement in the existing circumstances. The situation would be altered if the United States' Government were to enter into an agreement to satisfy the Judgment of the Court if the seizure should be held to be wrongful. They would then have an interest in the result of the case, which would make it reasonable that they should be allowed in some form to take an active part in the conduct of the proceedings. The officer who actually made the seizure might become formally responsible for the conduct of the prosecution, and for any damages which the Court might award. If such an agreement as to the payment of damages could be arranged, and if the United States' Government should be unwilling to consent to it merely on the terms of being allowed to watch the case and make suggestions, it might perhaps be carried out by allowing them to employ solicitors and counsel to conduct the prosecution of the suit in the name of the Crown. This would insure that the United States' case would be presented to the Court, not only adequately, as

to present, but in a manner consonant with their special views in each particular instance.

I have to request your Excellency to ascertain the wishes of the United States' Government in this matter.

In the course of your communications you might sound the United States' Government as to the proposal which has been made that an International Court should be established for dealing with claims arising out of the action of the officers intrusted with the enforcement of the laws enacted by the Legislatures of the two countries for giving effect to the Award.

I am, &c.,

Sir J. P. P. P.

SALISBURY.

No. 46.—The Marquess of Salisbury to Mr. Bayard.

YOUR EXCELLENCY,

Foreign Office, May 14, 1896.

I HAVE the honour to acknowledge the receipt of your note of the 18th ultimo, respecting the question of extending the Seal Fishery Regulations embodied in the Award of the Paris Arbitration Tribunal to the western side of the North Pacific.

Her Majesty's Government wish to dispatch an Agent—a properly qualified naturalist—to the Commander Islands during the approaching season to observe the conditions of seal life there, and to collect information as to the working of the existing arrangement with Russia, and they propose to apply to the Russian Government with a view to the local authorities being instructed to afford all necessary facilities and to co-operate with him in carrying out the object of his mission.

Pending the receipt of the Report which the Agent will be instructed to furnish Her Majesty's Government will not be in a position to enter upon negotiations.

I have, &c.,

T. F. Bayard, Esq.

SALISBURY.

No. 47.—The Marquess of Salisbury to Sir J. P. P.

(Telegraphic.)

Foreign Office, May 16, 1896.

REFERRING to your telegram of the 30th ultimo:

Instructions will be given to the Agent selected to visit the Pribyloff Islands to proceed by way of Washington, as requested by the United States' Government.

No. 48.—Sir J. Pauncefote to the Marquess of Salisbury.—(Received May 18.)

MY LORD,

Washington, May 6, 1896.

I HAVE the honour to transmit to your Lordship herewith copy of a note which I have received from the United States' Secretary of State, in further reply to the note which, as reported to your Lordship in my despatch of the 23rd March last, I addressed to him on the 19th of that month in regard to the action of United States cruisers engaged in patrolling the waters of Behring Sea during the past sealing season.

Mr. Olney in that further note refers to "the affidavit of I. A. Gould to the effect that a United States' revenue-cutter last year failed to seize two American sealing-schooners which were within the prohibited zone of the Pribyloff Islands," and he adds that the above statement has been specifically denied by each of the American officers in charge of the patrolling cruisers.

In acknowledging Mr. Olney's note, I have pointed out to him that the charge was made not by I. A. Gould, but by Captain Folger, of the American schooner *Webster*, whose statement is merely quoted in the affidavit of Gould.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE.

(Inclosure.)—Mr. Olney to Sir J. Pauncefote.

EXCELLENCY, *Department of State, Washington, May 2, 1896.*

REFERRING to that part of your note of the 19th March last which relates to the affidavit of I. A. Gould, to the effect that a United States' revenue-cutter last year failed to seize two American sealing-schooners which were within the prohibited zone of the Pribyloff Islands, I have the honour to state that the Department has received a letter from the Acting Secretary of the Treasury, in which he says that the American officers in charge of the patrolling vessels were furnished with a copy of this statement, and reports have been received from each of them denying specifically the charge in question.

I have, &c.,

Sir J. Pauncefote.

RICHARD OLNEY.

No. 49.—Sir J. Pauncefote to the Marquess of Salisbury.—(Received May 18.)

MY LORD,

Washington, May 8, 1896.

IN my despatch of the 5th instant I had the honour to report to your Lordship that I had addressed a note to the United States' Secretary of State, embodying the terms of your Lordship's

despatch of the 17th ultimo, setting forth the views of Her Majesty's Government on the subject of the danger to which it is alleged by the United States' Government that the fur-seal herd in Behring Sea is exposed by reason of the increase of pelagic sealing and of the slaughter of female seals in milk.

I have now the honour to inclose copy of Mr. Olney's reply, from which it appears that the accuracy of the facts stated in my note, and of the conclusions drawn therefrom, is challenged by the United States' Secretary of the Treasury, in whose Department the subject of the seal fisheries is specially dealt with.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE.

(*Inclosure.*)—*Mr. Olney to Sir J. Pauncefote.*

EXCELLENCY, *Department of State, Washington, May 7, 1896.*

HAVING sent to the Honourable the Secretary of the Treasury copy of your note to me of the 27th April last, I am now in receipt of a letter from the Secretary, from which the following extracts are taken:—

“In the note of the British Ambassador it is stated that the whole catch taken from the Alaskan herd, including the land catch on the Pribyloff Islands for the years 1894 and 1895 was 71,716 and 71,300 respectively. While this statement is substantially correct for the year 1895, it would appear that in the year 1894 a larger number was taken, namely, 76,871—61,838 at sea, and 15,033 on the islands.

“The further statement is made in said letter that the fur-seals show no apparent diminution in numbers, and attention is called to the fact that the sealing-vessels in Behring Sea made practically as large catches during the season of 1895 as in that of 1894, which fact the Ambassador contends does not point to the immediate extermination of the fur-seal herd. The fact, however, that the seals on the islands have decreased at least one-half since 1890 would seem to answer this claim. A further answer will also be found in the Report of the Secretary of the Treasury for 1895 on p. cc, wherein it appears that the average catch per vessel on the north-west coast fell off 57 per cent. in 1895 as compared with 1894, while the average catch in Behring Sea fell off 12 per cent. as compared with 1894. At the same time, while the percentage of females killed in Behring Sea were the same for British vessels in 1894 and 1895, there was an increase from 69 to 73 per cent. for American vessels in 1895. That the seal catch is maintained at the figures cited is because of the fact that Behring Sea is a nursery for the herd while it is on the islands, and of the further fact that

the seals can be killed easier while in Behring Sea than when travelling off the Pacific coast towards the islands.

"The statement of the Ambassador that the total land and sea catch from the Alaskan herd in 1895 was only about one-half of what the same was in 1889 would seem to be a further convincing argument as to the decrease in the seal herd. In this connection I would state that in 1889 the catch on land and sea was about 132,000, of which 102,000 were taken on the Pribiloff Islands and 30,000 at sea, the pelagic catch being about 22 per cent. of the total.

"In 1895, on the other hand, the pelagic catch—56,291—had increased to 78 per cent. of the total—71,291.

"From 1880 to 1895 the pelagic catch increased from about 8,000 to 56,000 or 600 per cent., while the Pribiloff Island catch decreased from 105,000 to 15,000, or 86 per cent.

"It is stated also in said letter that it would now be too late to give effective warning of any change in the Regulations, and that vessels which have cleared already for the Japanese coast would be seriously injured by any change at this late date.

"I have the honour, however, to call your attention to the fact that the *modus vivendi* of 1891 was agreed upon as late as the 15th June."

I have, &c.,

Sir J. Pouncefote.

RICHARD OLNEY.

No. 50.—The Marquess of Salisbury to Sir J. Pouncefote.

SIR,

Foreign Office, May 21, 1896.

WITH reference to the note from Mr. Olney, of which a copy was inclosed in your despatch of the 14th April, I have to state that the reply of the United States' Government to the complaints against the action of their revenue-cruisers in Behring does not remove the impression that, during the sealing season of 1895, British vessels were repeatedly overhauled without sufficient cause, and, although Her Majesty's Government have no desire to prolong the correspondence on this subject, there are certain points in Mr. Olney's note on which it seems necessary to make some comment.

Her Majesty's Government have now learnt for the first time of the report which reached the United States' Treasury Department that the law had been systematically violated in 1894 by the use of fire-arms in Behring Sea, and by the making of false entries in the logs as to the sex of the seals which were killed. The first part of that report is scarcely consistent with the fact that British vessels showed such readiness to have their arms sealed up in 1894, and again in 1895.

The United States' Government are, moreover, well aware that Her Majesty's Government only refused to renew the Agreement for the sealing-up of arms in 1895, because it had not afforded to British vessels the immunity from search which had been expected to result from the observance of its provisions.

It should also be remembered that those vessels which cleared from British Columbia direct for Behring Sea were furnished with certificates that they had no arms on board, and that, in the great majority of cases, they were manned with only Indian spearmen as hunters.

If these circumstances were not considered conclusive by the United States' Revenue officers, a single search would have sufficed to settle the matter, and also to verify the accuracy of the entries in the log-books.

Her Majesty's Government are unable to accept Mr. Olney's views in regard to the right of search. In the absence of circumstances warranting suspicion, the sealing-vessels are entitled to be exempt from executive interference, and the British Act of Parliament and Orders in Council do not give any general right of indiscriminate search for the purpose of discovering whether an offence has been committed.

It may be presumed, however, that the United States' authorities have now convinced themselves that the masters of British sealing-vessels do not systematically violate the law, and that they have done their best to act in conformity with the existing Regulations.

I have to request your Excellency to communicate the foregoing remarks to Mr. Olney, and to say that Her Majesty's Government trust that the right of searching British vessels, conferred on United States' naval officers by Imperial legislation, will be exercised with the discrimination requisite in using so exceptional a power.

I am, &c.,

Sir J. Pouncefote.

SALISBURY.

No. 51.—Colonial Office to Foreign Office.—(Received May 23.)

SIR,

Downing Street, May 23, 1896.

WITH reference to previous correspondence respecting the proceedings of the United States' cruisers in Behring Sea last year, I am directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Salisbury, a copy of a despatch and its inclosures from the Governor-General of Canada reporting the arrangements which the sealers operating on the Japanese coast propose to make to avoid taking arms and ammunition with them into Behring Sea, where the use of fire-arms in killing seals is prohibited by the Regulations of the Arbitration Tribunal.

As the vessels entering Behring Sea direct from Canada are furnished with a certificate that they have no fire-arms or ammunition on board, it appears to Mr. Chamberlain that these arrangements will render any renewal of the Agreement for the sealing-up of arms unnecessary, and he would suggest that their purport should be communicated to the United States' Government.

I am, &c.,

Sir T. Sanderson.

JOHN BRAMSTON.

(Inclosure 1.)—*The Earl of Aberdeen to Mr. Chamberlain.*

SIR,

Government House, Ottawa, April 13, 1896.

WITH reference to my despatch of the 5th February last, I have the honour to forward copy of an approved Minute of the Privy Council submitting a Report of the Minister of Marine and Fisheries, in which he discusses the question of the alleged dissatisfaction of the sealers with the failure to renew the Agreement for sealing-up of arms.

You will observe that it is stated that the sealers themselves have made arrangements to have their arms shipped to Victoria from Japanese ports before leaving Japanese waters for Behring Sea.

I have, &c.,

Rt. Hon. J. Chamberlain.

ABERDEEN.

(Inclosure 2.)—*Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 1st April, 1896.*

THE Committee of the Privy Council have had under consideration the annexed Report, dated the 18th March, 1896, from the Minister of Marine and Fisheries, with reference to the Report of Captain Hooper, of the United States' revenue-cutter *Rush*, alleging dissatisfaction by British sealers because Her Majesty's Government had not agreed to a renewal with the United States' Government of the arrangement reached in 1894 for the placing of sealing implements under seal.

The Committee, concurring in the said Report, advise that your Excellency be moved to forward a copy thereof to the Right Honourable the Principal Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

JOHN J. MCGEE,

Clerk of the Privy Council.

(Inclosure 3.)

Marine and Fisheries, Canada,

Ottawa, March 18, 1896.

To his Excellency the Governor-General in Council :

THE Undersigned has the honour to revert to a despatch from the Secretary of State for the Colonies, covering an extract from a Report* of Captain Hooper, of the United States' revenue-cutter *Bush*, alleging dissatisfaction by British sealers that Her Majesty's Government had not agreed to a renewal with the United States' Government, of the arrangement reached in 1894 for the placing of sealing implements under seal.

Your Excellency will recall that this despatch was dealt with in a Report of the Undersigned, embodied in an approved Minute of Council of the 27th January last, after he had caused inquiries to be made of the sealers, through the Collector of Customs at Victoria, touching the statements in the extract.

The result of such inquiry is fully explained in the Minute of Council above cited, and the objections of your Excellency's Government to the expedient reviewed at considerable length.

It was said, whether the circumstances and conditions of the case, as developed by the events of 1895, would tend to change the views of Her Majesty's Government on the point was not known ; but, notwithstanding the forced acquiescence of the sealers, the conclusion could not be avoided that the reasons existing against the measure, in the first instance, retained their full force, and must be greatly supplemented in respect of any obligatory arrangement which may be proposed.

The Minute of Council added :—

" If no other alternative remains for the sealers to avoid seizure under the circumstances, the question of waiving the principle may become expedient ; but it would seem that some means might be devised by them, where such large interests are involved, whereby their guns could either be transferred and sent home, or left in custody at some rendezvous, until their operations in Behring Sea were concluded.

" Such a course might change the appearance of necessity for an arrangement for a practical extension of the Award restrictions, out of which may grow other, perhaps more objectionable, expedients.

" It will not be forgotten that last season only eight of the Canadian sealing fleet could have availed themselves of an Agreement for sealing-up of arms prior to entering Behring Sea had such existed, since only that number operating therein were possessed

* Inclosure 2 in No. 27, page 834.

of fire-arms, and those conditions were practically identical in respect of the year 1894.

"The Undersigned further ventures the opinion that the danger to seal life is not sufficiently great, nor is due protection of the seals of such paramount importance as to warrant a proposal which would deprive sealing skippers of revolvers for their personal protection, or their signal guns for recalling their men in these remote regions.

"The Undersigned would further report that he has caused instructions to be issued that the sealers should again be consulted as to any means which they may be able to devise in the direction above indicated which may render unnecessary the further pressing of a suggestion that an agreement for the sealing-up of arms prior to entering Behring Sea should be reached."

The Undersigned would observe that for this purpose he addressed the appended communication to the Collector of Customs at Victoria, explanatory of the position of your Excellency's Government in this connection, and requesting before final action that an attempt should be made to obtain the views of the interested parties on the proposal.

The Undersigned has now the honour to report, for the information of your Excellency, that he has received in reply from the Collector of Customs two communications, dated respectively the 10th and 15th February, 1896.

In the communication forming Appendix II, the Collector says :—

"In compliance with your directions to further consult the owners and masters of sealing-vessels as to whether some means cannot be devised by them whereby their guns could either be transferred and sent home, or left in custody at some rendezvous until their operations in Behring Sea were concluded.

"I am pleased to inform you that I have seen the greater number of the owners and several of the masters, and I have made, I think, nearly complete arrangements whereby your wishes will be carried out, particularly in regard to twenty-eight vessels which are now on their way to Japanese waters, and have fire-arms on board, and which are likely to proceed to Behring Sea after the sealing season is finished on the Japan coast.

"I have arranged with Captain Cox, who is a representative owner of sealing-vessels, owning himself eight, and the authorized agent for nearly the whole of the other vessels on the Asiatic side, and who has already gone on the last steamer to Yokohama to look after the welfare of the vessels with which he is intrusted, to ship and return all the fire-arms from Hakodate by steamer to this port at the risk and the expense of the owners."

He then explains that after lengthy interviews with Captain Cox he fully appreciates the position, and he feels sure that the arrangement will be faithfully carried out; while regarding any vessels which proceed to the neighbourhood of the Komandorsky Islands endeavours will be made to have their arms transferred to some homeward-bound vessel, or to have them left at some rendezvous until their operations in Behring Sea are concluded.

In the supplementary letter, forming Appendix III to this Report, the Collector, in referring to the alleged canvass of the British sealers made by Captain Hooper touching the point as to the desirability of having their arms sealed prior to entering Behring Sea, shows, as pointed out in the Minute of Council previously cited, that the canvass could only have applied to eight vessels in all, and that many of the sealers denied that they had been so canvassed.

The Undersigned recommends that your Excellency be moved to forward a copy of this Report, if approved, together with its Appendices, to the Right Honourable the Principal Secretary of State for the Colonies, in continuation of the Report and Appendices embodied in the approved Minute of Council of the 27th January, 1896.

Respectfully submitted.

JOHN COSTIGAN,
Minister of Marine and Fisheries.

No. 52.—The Marquess of Salisbury to Sir J. Pauncefoot.

SIR,

Foreign Office, May 28, 1896.

WITH reference to Viscount Gough's despatch of the 18th September last, and to my despatch of the 21st instant, I transmit to your Excellency, for your information, a copy of a letter from the Colonial Office respecting the question of sealing-up fire-arms on board Canadian sealing-vessels in Behring Sea.*

I should wish you to bring to the notice of the United States' Government the arrangements which have been made in order as far as possible, to insure that the vessels entering Behring Sea during the present season should leave their fire-arms behind. You will also mention that those vessels which proceed to Behring Sea direct will be furnished with a certificate that they have no fire-arms or ammunition on board.

In the opinion of Her Majesty's Government the precautions which have been adopted for the future satisfy all requirements,

* No. 51, page 869.

in respect of which a special arrangement for the sealing-up of arms
was made in 1894.

I am, &c.,

Sir J. Pauncefote.

SALISBURY.

No. 53.—The Marquess of Salisbury to Sir J. Pauncefote.

SIR,

Foreign Office, June 15, 1896.

I COMMUNICATED to the Secretary of State for the Colonies a copy of your Excellency's despatch of the 8th ultimo, inclosing a further note from Mr. Olney on the subject of the alleged decrease of the number of fur-seals in Behring Sea owing to pelagic sealing.

Her Majesty's Government have no wish to prolong the controversy on this point, more especially in view of the arrangements which have now been made for conducting inquiry as to the present state of the seal herd.

Mr. Secretary Chamberlain has, however, furnished me with certain explanations showing how the figures as regards the pelagic catch of 1894, given in your note to Mr. Olney, were arrived at, and it seems desirable that these should be communicated to the United States' Government, in order to remove any misapprehension on their part in regard to the statements made on behalf of Her Majesty's Government.

The figures of the pelagic catch for 1894 were taken from page 42 of the Statistics relating to the Behring Sea Seal Fisheries, recently laid before Congress as an Appendix to the Annual Report of the Secretary of the Treasury; and the number of seals killed on the islands was found on page 6 of the printed Report of the Canadian Privy Council, dated the 4th January, 1896.

The results are as follows :—

North-west coast	24,101
Behring Sea	31,585
Total pelagic catch	55,686
Island catch	16,030
Total	71,716

The note 25 on page 41 of the Statistics already quoted seems to show that the estimate of the total pelagic catch for 1894, which is given in the letter from the Secretary of the Treasury to Mr. Olney, is made up by adding to the ascertained pelagic catch on the eastern side of the Pacific the bulk of the skins landed at United States' ports from localities not specified or known.

With regard to the diminution in the pelagic catch for 1895,

The Secretary of the Treasury arrives at the conclusion that the average catch per vessel in Behring Sea fell off by 12 per cent. in 1895, on the assumption that fifty-nine vessels were engaged in the fishery there, and that they all completed their fishing season.

It appears, however, from the detailed Reports, that only fifty-eight vessels took part in the fishery, viz., forty British and eighteen American vessels. Of these, the *E. B. Marvin*, the *Beatrice* and the *Louis Olsen* were seized in the course of the season, and did not therefore complete their catch. Only one vessel, the *Favourite*, was similarly seized in 1894.

In bringing these observations to Mr. Olney's notice, I have to request your Excellency to add, with reference to the last paragraph of his note, that, owing to the notice of the *modus vivendi* having been issued so late in 1891, Her Majesty's Government paid a large sum as compensation for interference with the sealing industry, and that they are unwilling to incur such a liability in the present season without paramount necessity being shown to justify an interruption of the fishery.

I am, &c.,

Sir J. Pouncefote.

SALISBURY

No. 56.—*Sir J. Pouncefote to the Marquess of Salisbury.*—(Received July 16.)

MY LORD,

Washington, July 6, 1896.

IN compliance with the instructions contained in your Lordship's despatch of the 28th May last, I addressed a note on the 19th ultimo to the United States' Secretary of State, informing him of the arrangements which have been made to insure as far as possible that fire-arms shall not be carried by sealing-vessels entering Behring Sea during the present season, those arrangements being set forth in the letter from the Colonial Office, of which a copy was inclosed in your Lordship's despatch.

I have the honour to transmit herewith a copy of a note addressed to me by Mr. Olney, in reply, and of its inclosure, a letter from the Assistant Secretary of the Treasury, in which Mr. Hamlin suggests certain arrangements supplementary to those already made.

I have communicated a copy of this note and of its inclosure to the Governor-General of Canada, and, in view of Mr. Olney's request that he may be informed as early as possible whether Her Majesty's Government will agree to the further arrangements proposed, I venture to suggest that your Lordship should inform

me by telegraph of the reply which it is desired that I should return to the United States' Government on the subject.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE

(Inclosure 1.)—*Mr. Olney to Sir J. Pauncefote.*

EXCELLENCY, *Department of State, Washington, July 2, 1894.*

REFERRING to previous correspondence concerning the question of fire-arms on board Canadian sealing-vessels, and particularly with reference to your notes of the 3rd and 19th ultimo respectively on the subject, I have the honour to inclose, for your information and consideration, a copy of a letter of the 30th ultimo from the Acting Secretary of the Treasury, submitting certain modifications of the Regulations proposed in your note of the 19th ultimo in regard to the matter.

You will observe that Mr. Hamlin suggests that vessels proceeding direct to Behring Sea from Victoria should present the certificates alluded to in your note to the Deputy Collector of Customs or to Captain C. L. Hooper, R.C.S., in charge of the United States' patrolling fleet at Unalaska, and that thereupon said vessels be searched by duly authorized patrolling officers, and the fact indorsed on the certificates that such certificates, duly indorsed, may be accepted by the officers of the patrolling vessels as evidence of the fact that no fire-arms are concealed on board, unless some information or evidence of violation of law other than mere suspicion is in the possession of or found by the boarding officer; and that a Representative of the United States' Government be allowed to inspect all seal-skins taken in Behring Sea and landed at British Columbian ports, to discover whether or not the seals have been shot.

Mr. Hamlin assumes that, as regards vessels now in or en route to Japanese waters, it would be impossible to carry into effect the arrangement proposed, but that he will communicate with Captain Hooper, of the patrolling fleet, and inform him as to the efforts of the Collector at Victoria to bring about the transshipment of fire-arms belonging to Canadian vessels, or the leaving of them at some rendezvous, and that the same information will be communicated to the officers of all the patrolling vessels.

This Department is of the opinion that, if the suggestions proposed by the Acting Secretary of the Treasury could be adopted, they would obviate much of the trouble and delay caused by the searching of British vessels. I therefore beg to be informed as speedily as possible as to whether or not Her Majesty's Government will agree to the foregoing suggestions, in order that the Treasury

Department may be able to cover by one instruction to the patrolling fleet all the questions raised by your note of the 20th ultimo.

I have, &c.,

Sir J. Pauncefote.

RICHARD OLNEY.

(Inclosure 2.)—Mr. Hamlin to Mr. Olney.

Treasury Department, Office of the Secretary,

SIR, *Washington, D.C., June 30, 1896.*

I HAVE the honour to acknowledge your note of the 23rd June last, transmitting a copy of a letter of the 19th instant from Sir Julian Pauncefote. In said letter Sir Julian states that the following arrangements have been made to insure that fire-arms shall not be carried by British vessels in Behring Sea during the present season :—

1. In regard to vessels sailing from Victoria, British Columbia, for Japanese waters, he states that the Collector of Customs at Victoria has seen the greater number of the owners and several of the masters, and has made, as he thinks, nearly complete arrangements for transshipping all fire-arms from Hakodate by steamer to Victoria.

2. In the case of vessels proceeding to the neighbourhood of the Commander Islands, Sir Julian states that the Collector reports that efforts will be made to have the fire-arms transferred to some home-ward-bound vessel, or left at some rendezvous until operations in Behring Sea are concluded.

3. With regard to vessels proceeding direct to Behring Sea from British Columbia, he states that the masters will be furnished with certificates that they have no fire-arms or ammunition on board.

I have the honour to reply that I have carefully considered Sir Julian's letter, and would suggest that vessels proceeding direct to Behring Sea from Victoria should present the certificate alluded to in said letter to the Deputy Collector of Customs or to Captain C. L. Hooper, R.C.S., in charge of our patrolling fleet at Unalaska, and that thereupon said vessels be searched by duly authorized patrolling officers, and the fact indorsed on the certificate; that such certificate, duly indorsed, may be accepted by the officers of the patrolling vessels as evidence of the fact that no fire-arms are concealed on board, unless some information or evidence of violation of law other than mere suspicion is in the possession of or found by the boarding officer. I would further suggest that a Representative of the United States' Government be allowed to inspect all seal-skins taken in Behring Sea and landed at British Columbian ports, to discover whether or not the seals have been shot. If these two suggestions could be adopted, they would certainly obviate much of

the inevitable trouble and delay caused by the searching of British vessels.

I assume that, as regards vessels now in or *en route* to Japanese waters, it would be impossible to carry into effect any such arrangement. I will, however, communicate with Captain Hooper, of the patrolling fleet, and state the efforts of the Collector at Victoria to bring about the transhipment of fire-arms belonging to such vessels, or the leaving of them at some rendezvous, and he will communicate these facts to the officers of the patrolling vessels.

I would respectfully suggest that the British Government be requested to consider and advise us as speedily as possible whether or not it will agree to these suggestions, as I would greatly prefer to cover the various questions raised in Sir Julian's letter in one communication to the patrolling fleet, and, as there is but little time in which to communicate with said fleet before the commencement of the sealing operations in Behring Sea on the 1st August.

Respectfully yours,

B. Olney, Esq.

C. S. HAMLIN, *Acting Secretary.*

No. 57.—Colonial Office to Foreign Office.—(Received July 31.)

SIR,

Downing Street, July 30, 1896.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 18th instant, inclosing copy of a despatch from Her Majesty's Ambassador at Washington,* forwarding further proposals by the United States' Government for securing the observance of the law prohibiting the killing of seals by means of fire-arms in Behring Sea.

The Dominion Government, to whom these proposals have been communicated by Sir J. Pauncefote, will no doubt in due course furnish him with their observations on them; but Mr. Chamberlain has but little doubt that their opinion will be adverse to the acceptance of these proposals, and he does not consider that they are of a nature to commend them to the favourable consideration of Her Majesty's Government.

As Lord Salisbury is aware, Her Majesty's Government have not invited any proposals from the United States' Government in this matter. They have had to complain seriously of the vexatious and unwarrantable manner in which the United States' patrol officers last year exceeded the power conferred on them of assisting the British officers in policing the fisheries so far as British vessels are concerned.

* No. 56, page 875.

Vessels were searched time after time at inconvenient moments ; the skins on board were all pulled out of the salt and left scattered over the hold, and then had to be repacked by the crew, only to be pulled out again next time that a cruiser was met. Her Majesty's Government pointed out that the British law under which the United States' as well as British officers act gave no authority for searching a vessel unless there was reasonable cause for suspicion that an offence had been committed, and that some of the vessels which were most frequently subjected to this harassing search were actually furnished with certificates from the authorities of the port from which they had cleared that they had no arms on board, a document which furnished strong *prima facie* evidence that they had committed no offence, and rendered the proceedings of the United States' officers entirely unjustifiable.

It is lawful to carry fire-arms on board of sealing-vessels in Behring Sea ; it is only their effective use that constitutes an offence. The United States' officers are not, therefore, justified in searching a British vessel simply to see whether she does or does not carry fire-arms. But in order to protect British subjects from these unwarranted annoyances, arrangements have been made for the issue of certificates this year to all vessels clearing from Canadian ports direct for Behring Sea, and for the collection of the arms of all vessels proceeding to Behring Sea from the Japan coast fishery, and Her Majesty's Government had hoped that these arrangements would have satisfied the United States' Government that there could be no justification for their officers to again exceed the powers in regard to British vessels conferred on them by "The Behring Sea Award Act."

Mr. Chamberlain regrets that this expectation has not been fulfilled, and that proposals are now put forward which are based on the assumption that the presence of fire-arms in British vessels is itself a breach of the English Statute, and that not only are all British subjects engaged in the fishery determined to evade and contravene the law, but that the British officers are ready and willing to aid and abet them in so doing, and to issue false certificates for the purpose.

Certificates issued by British officers are only to be accepted after the vessel has been searched and the certificates indorsed by a United States' officer, even a British naval officer not being trusted to perform this duty. Further, even after the United States' officers have satisfied themselves that the vessel carries no arms into Behring Sea, the catch is to be examined by a United States' officer after her return to port, in order to make sure that no arms have escaped discovery, or presumably been procured in Behring Sea.

Such a demand can only have been put forward under a complete

misapprehension of the position in which the question of the sea fishery was left by the Award of the Arbitration Tribunal.

The decision of the Tribunal declared that the United States had no special property, interest, or right in seals on the high seas, and while laying down certain regulations for the pursuit of seals at sea in the common interest of the fishery, left each nation to provide the legislative and executive measures necessary to give effect to those regulations so far as its own subjects are concerned.

International comity undoubtedly demands, in these circumstances, that each nation shall take adequate measures for preventing injury to the common interest by its subjects; but it also assumes that each nation will faithfully carry out its obligations, and it confers on the one no right to dictate to the other what measures should be taken, though it justifies remonstrance if the measures are found by experience to be inadequate.

The United States' Government has produced no evidence whatever that the legislative and other measures adopted by Her Majesty's Government have failed; but they assume that they are inadequate, and that Her Majesty's Government are not prepared to discharge their duty in regard to the protection of the common interest, and claim the right to exercise over British subjects and British vessels powers of search and supervision in excess of those given by the British law.

I am, &c.,

Sir T. Sanderson.

JOHN BRAMSTON.

No. 58.—*Sir J. Pouncefote to the Marquess of Salisbury.*—(Received August 3.)

MY LORD,

Washington, July 24, 1896.

I HAVE the honour to inform your Lordship that, in compliance with the instructions contained in your Lordship's despatch of the 18th May last, I addressed a note in the sense of that despatch to the United States' Secretary of State on the question of the presence of United States' counsel at the trials of British vessels seized for violation of the Behring Sea Award Act. I have now the honour to transmit to your Lordship a copy of a note addressed to me by the Secretary of State in reply, in which he informs me, as your Lordship will observe, that the United States' Government will give their careful consideration to the alternative propositions made by Her Majesty's Government.

I spoke to Mr. Olney of the question, referred to in the last paragraph of your Lordship's despatch, of the establishment of an International Court, which shall deal with future claims arising out of the action of the officers intrusted with the enforcement of the

Laws enacted by the Legislatures of the two countries for giving effect to the Paris Award. He was not disposed to entertain the proposal at present, but he thought its consideration might be resumed at a later date, and after some experience had been gained of the working of the Behring Sea Claims Commission.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE.

(*Inclosure.*)—*Mr. Rookhill to Sir J. Pauncefote.*

EXCELLENCY, *Department of State, Washington, July 22, 1896.*

REFERRING to previous correspondence concerning the question as to the presence of counsel on behalf of the United States' Government at the trials of British vessels seized for violations of the Behring Sea Award Act, I have the honour to acknowledge, with satisfaction, the receipt of your note of the 25th ultimo, in which you state that Her Majesty's Government sees no objection to the cases being watched, as proposed, by counsel for the United States, and that the counsel so employed should be permitted to examine the pleadings and to make suggestions to the British counsel—such suggestions, however, to be confined to the object of protecting United States' interests, and not to be admitted as regards the enforcement of the Behring Sea Award Act, the enforcement of that Act being the duty of Her Majesty's Government.

The Department has, moreover, noted the further statement in your note to the effect that in existing circumstances Her Majesty's Government is unable to consent to the United States' Government being recognized in the trials in question as a party to the litigation with a *locus standi* before the Court, but that the situation would be altered if the United States were to enter into an agreement to satisfy the Judgment of the Court if the seizure should be held to be wrongful, but that if the United States' Government should be unwilling to assent to such an agreement for the payment of damages, merely upon terms of being permitted to watch the cases, an arrangement might be made by which the American Government should employ solicitors and counsel, and conduct the prosecution of the suits in the name of the Crown.

In reply, I beg to state that your alternate propositions will receive from this Government the consideration which their importance demands.

I have, &c.,

Sir J. Pauncefote.

W. W. ROCKHILL, *Acting Secretary.*

No. 59.—The Marquess of Salisbury to Viscount Gough.

(Telegraphic.)

Foreign Office, August 3, 1896.

SIR J. PAUNCEFOTE's despatch of the 6th July.

A detailed reply will be sent to United States' proposals. Her Majesty's Government regret that they are unable to enter into the suggested supplementary arrangements; the precautions already adopted will, they trust, suffice to insure that the sealers entering Behring Sea will use no fire-arms.

No. 63.—Viscount Gough to the Marquess of Salisbury.—(Received September 7.)

MY LORD,

Newport, Rhode Island, August 26, 1896.

As reported in my telegram of the 7th instant, I communicated to the United States' Government the substance of your Lordship's telegram of the 3rd relative to the supplementary arrangements proposed by the Secretary of the Treasury in regard to the fire-arms of vessels entering Behring Sea.

I have now the honour to transmit copy of my note and copy of the reply of the Secretary of State.

I have also forwarded a copy of the latter to the Earl of Aberdeen.

I have, &c.,

The Marquess of Salisbury.

GOUGH

(Inclosure 1.)—Viscount Gough to Mr. Rockhill.

SIR,

Newport, Rhode Island, August 7, 1896.

I HAVE the honour to inform you that Sir J. Pauncefote forwarded to Her Majesty's Secretary of State for Foreign Affairs a copy of Mr. Olney's note of the 2nd ultimo, as well as a copy of its inclosure dated the 30th June, in which certain arrangements were suggested by the Acting Secretary of the Treasury supplementary to those already adopted in regard to the fire-arms of vessels entering Behring Sea during the present season.

A detailed reply will be sent in due course to Mr. Hamlin's above-mentioned proposals; but, meanwhile, in accordance with the request of the United States' Secretary of State that he should be informed as speedily as possible of the views of Her Majesty's Government upon this subject, I have been instructed to inform you that Her Majesty's Government regret that they cannot enter into the supplementary arrangements in regard to sealers entering Behring Sea, suggested by Mr. Hamlin.

Her Majesty's Government trust that the precautions already

adopted, and which were described in the note of Her Majesty's Ambassador dated the 19th June,* will be sufficient to insure that no fire-arms will be used by the sealers in question.

I have, &c.,

W. W. Rockhill, Esq.

GOUGH.

(Inclosure 2.)—*Mr. Rockhill to Viscount Gough.*

MY LORD,

Washington, August 25, 1896.

REFERRING to your note of the 7th instant, the receipt of which was acknowledged on the 12th, I have the honour to inform you that I am now advised of the views of the Secretary of the Treasury concerning the precautions which the Collector of Customs at Victoria was adopting and endeavouring to adopt with regard to the transhipment of fire-arms from British vessels operating during the early part of the sealing season on the Asiatic coast and in the neighbourhood of the Komandorsky Islands, as described by Sir J. Pauncefote's previous note of the 20th (? 19th) June last.

On the 2nd July, in answer to the said note of the 20th (? 19th) June, Mr. Olney had the honour to submit, for the consideration of Her Majesty's Government, the supplementary arrangements in regard to sealers in Behring Sea, which arrangement, as I am informed by your present note of the 7th August, cannot be entered into by Her Majesty's Government.

As soon as the refusal of Her Majesty's Government was made known to the Secretary of the Treasury he notified Captain Hooper of the fact, and advised him that the Treasury Department regrets that it cannot direct him to accept the certificates alluded to in Sir J. Pauncefote's note of the 20th (? 19th) June as final on the question of the concealment of fire-arms, but that the entire correspondence is transmitted to him, in order that he may take such action as in his discretion may reduce to a minimum the inevitable annoyance connected with the searching of vessels.

I have, &c.,

Viscount Gough.

W. W. ROCKHILL.

No. 64.—The Marquess of Salisbury to Viscount Gough.

MY LORD,

Foreign Office, September 9, 1896.

WITH reference to my telegram of the 3rd August respecting the precautions for preventing the use of fire-arms in Behring Sea, I have to state that the steps taken with this object by the Canadian

* No. 56, page 875.

authorities were also designed to protect the sealing-vessels from interference in the course of their voyages and sealing operations.

Arrangements were made for the issue of certificates to all vessels clearing from Canadian ports direct for Behring Sea, and for the collection of the fire-arms from vessels which had previously been engaged in the fishery off the coasts of Japan; and it was hoped that these arrangements would satisfy the United States' Government that no fire-arms could be used, especially in the case of the vessels which were provided with certificates.

In the correspondence inclosed in Sir J. Pauscote's despatch of the 6th July, supplementary arrangements were put forward on behalf of the United States' Government to the effect that vessels proceeding direct to Behring Sea should present their certificates to some United States' authority at Unalaska; that the vessels should be searched, and that the certificates, after being indorsed, might be accepted by the officers of the patrolling fleet as evidence that no fire-arms were concealed on board; and, further, that a Representative of the United States' Government should be allowed to inspect all seal-skins taken in Behring Sea and landed at British Columbian ports, in order to discover whether or not the seals had been shot.

I have already expressed to you by telegraph the regret of Her Majesty's Government that they could not enter into these arrangements. Besides the objections which might be raised to the nature of the proposals, Her Majesty's Government have had some misgiving as to whether the sealing-vessels would be guaranteed from interference after the observance of the preliminary formalities; and previous experience, notably in the case of the agreement for sealing-up arms in 1894, has shown that such expedients have not had the desired effect.

They would, however, be disposed to agree to the provisions for a search by duly authorized patrolling officers at Unalaska, and for the indorsement of the certificates, if it were understood that the indorsed certificates should be regarded as an absolute proof that no fire-arms were carried.

In communicating the substance of this despatch to the United States' Government, you are accordingly authorized to propose, with reference to the certificates, that the words "shall be accepted" should be substituted for "may be accepted," and to state that, with this alteration, Her Majesty's Government would be prepared to accept the first portion of the supplementary arrangements suggested by Mr. Hamlin.

The examination of the seal-skins by United States' officers in British ports would involve a fresh departure from ordinary international usages, and, as such, would require very serious consideration. There are, moreover, reasons for doubting the expediency of

relying on this investigation for the purpose of ascertaining whether fire-arms have been used, owing to the well-known difficulty of arriving at any conclusive results.

You will therefore explain to Mr. Olney that Her Majesty's Government do not, in present circumstances, feel able to adopt the latter part of Mr. Hamlin's suggestions, and you will represent to him that the additional precautions to which they are now prepared to give their assent will be found fully sufficient to meet the requirements which both Governments have in view.

I am, &c.,

Viscount Gough.

SALISBURY.

No. 66.—Viscount Gough to the Marquess of Salisbury.—(Received October 26.)

MY LORD,

Washington, October 14, 1896.

WITH reference to your Lordship's despatch of the 9th ultimo, respecting the precautions for preventing the use of fire-arms in Behring Sea, I have the honour to transmit herewith a copy of the note I addressed to the Acting Secretary of State on the 21st ultimo in compliance with the instructions contained in your Lordship's above-mentioned despatch.

I have now the honour to transmit a copy of the reply I have received from the Department of State, suggesting the postponement of the whole question, pending the receipt of the Report from Professor Jordan and the other naturalists sent to the seal islands this summer, in order that Her Majesty's Government and the Government of the United States may be able later to agree upon the Regulations for the season of 1897.

I have, &c.,

The Marquess of Salisbury.

GOUGH.

(Inclosure 1.)—Viscount Gough to Mr. Rockhill.

SIR,

Newport, Rhode Island, September 21, 1896.

IN my note of the 7th ultimo, I had the honour to inform you that a detailed reply would be sent in due course to the suggestions made in Mr. Olney's note of the 2nd July on the subject of arrangements supplementary to those already adopted in regard to the fire-arms of vessels entering Behring Sea during the present season.

The measures described in Sir J. Pauncefote's note of the 19th June were adopted to insure that fire-arms should not be carried by those vessels, and were also designed to protect the sealing-vessels

from interference in the course of their voyages and sealing operations.

Arrangements were made for the issue of certificates to all vessels clearing from Canadian ports direct for Behring Sea, and for the collection of the fire-arms from vessels which had previously been engaged in the fishery off the coasts of Japan; and it was hoped that these arrangements would satisfy the United States' Government that no fire-arms could be used, especially in the case of the vessels which were provided with certificates.

In Mr. Olney's note to Sir J. Pauncefote of the 2nd July, supplementary arrangements were suggested by the United States' Government to the effect that vessels proceeding direct to Behring Sea should present their certificates to some United States' authority at Unalaska; that the vessels should be searched, and that the certificates, after being indorsed, might be accepted by the officers of the patrolling fleet as evidence that no fire-arms were concealed on board; and, further, that a Representative of the United States' Government should be allowed to inspect all seal-skins taken in Behring Sea and landed at British Columbian ports in order to discover whether or not the seals had been shot.

As I had the honour to inform you in my note of the 7th ultimo, Her Majesty's Government regret that they cannot enter into the supplementary arrangements suggested by Mr. Hamlin (contained in Mr. Olney's above-mentioned note). Besides the objections which might be raised to the nature of the proposals, Her Majesty's Government have had some misgiving whether the sealing-vessels would be guaranteed from interference after the observance of the preliminary formalities; and previous experience, notably in the case of the agreement for sealing-up arms in 1894, has shown that such expedients have not had the desired effect.

Her Majesty's Government would, however, be disposed to agree to the provisions for a search by duly authorized patrolling officers at Unalaska, and for the indorsement of the certificates, if it were understood that the indorsed certificates should be regarded as an absolute proof that no fire-arms were carried.

Acting under instructions from the Marquess of Salisbury, I have the honour to propose to the United States' Government, with reference to the certificates, that the words "shall be accepted," should be substituted for the words "may be accepted," and to state that, with this alteration, Her Majesty's Government would be prepared to accept the first portion of the supplementary arrangements suggested by Mr. Hamlin.

The examination of the seal-skins by United States' officers in British ports would involve a fresh departure from ordinary international usages, and, as such, would require very serious considera-

tion. There are, moreover, reasons for doubting the expediency of relying on this investigation for the purpose of ascertaining whether fire-arms have been used, owing to the well-known difficulty of arriving at any conclusive results.

I am therefore instructed to state that Her Majesty's Government do not, in the present circumstances, feel able to adopt the latter part of Mr. Hamlin's suggestions, but I am confident that the additional precautions to which Her Majesty's Government are now prepared to give their assent, and which I have described above, will be found fully sufficient to meet the requirements which both Governments have in view, and I venture to express the hope that the United States' Secretary of the Treasury may, under the altered circumstances, see fit to instruct Captain C. L. Hooper, R.C.S., accordingly.

I have, &c.,

W. W. Rockhill, Esq.

GOUGH

(Inclosure 2.)—*Mr. Olney to Viscount Gough.*

MY LORD, *Department of State, Washington, October 18, 1896.*

WITH reference to your note of the 21st ultimo, in which a detailed reply is made to the Department's note of the 2nd July last, on the subject of the use of fire-arms in Behring Sea by pelagic sealers, I have the honour to inform you that I have received a letter of the 3rd instant from the Acting Secretary of the Treasury, reviewing the correspondence on that subject.

Without going into unnecessary details, I beg to say that Mr. Hamlin, in the course of his remarks, calls attention to the "somewhat surprising statement" in your note of the 21st ultimo, to the effect that Her Britannic Majesty's Government has misgivings as to whether sealing-vessels would be guaranteed from interference even if the propositions of this Government were accepted.

In view of the fact that the sealing season is now finished, so that it would be useless to give any instructions to sealers at this time, and inasmuch also as there is shortly expected a Report from Professor Jordan and the other naturalists sent to the seal islands this summer, I would suggest that the whole question be postponed pending the receipt of said Report, as each Government will then be in a better position to agree upon regulations for the season of 1897, after having examined the Report of its own Commission.

I have, &c.,

Viscount Gough.

RICHARD OLNEY.

No. 67.—The Marquess of Salisbury to Sir J. Pauncefote.

SIR,

Foreign Office, November 14, 1896.

WITH reference to Viscount Gough's despatch of the 14th October, you are authorized to inform the United States' Government that Her Majesty's Government agree to postpone further discussion in regard to the arrangements for preventing the use of fire-arms in Behring Sea; but in view of the observations contained in the concluding paragraph of Mr. Olney's note of the 13th ultimo, your Excellency should be careful to avoid any expression which might be construed into an admission that Her Majesty's Government contemplate a revision of the Regulations before the period named by the Arbitration Tribunal has expired.

I am, &c.,

Sir J. Pauncefote.

SALISBURY.

No. 68.—Sir J. Pauncefote to the Marquess of Salisbury.—(Received December 26.)

MY LORD,

Washington, December 17, 1896.

WITH reference to your Lordship's despatch of the 14th ultimo, instructing me to inform the Secretary of State that Her Majesty's Government agree to the temporary postponement of the correspondence respecting the regulation of pelagic sealing in Behring Sea and the North Pacific Ocean, I now have the honour to forward herewith to your Lordship copy of a further note, together with its inclosure, which I have received from the Secretary of State on the same subject, in which he points out that the suspension of the discussion left pending two unsettled questions, which he proceeds to discuss at some length.

Mr. Olney states that in view of the fact that the time is nearly at hand when the Regulations for the season of 1897 should be agreed upon, the United States' Government hope that Her Majesty's Government will find it convenient to give the subject early attention, and to forward any suggestions they may have to make in the matter.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE.

*(Inclosure 1.)—Mr. Olney to Sir J. Pauncefote.**Department of State, Washington,**December 15, 1896.*

EXCELLENCY,

WITH reference to the Department's note of the 13th October last, proposing the temporary postponement of the correspondence concerning the regulation of pelagic sealing in Behring Sea and the

North Pacific Ocean, I have now the honour to observe that the suspension of the discussion left two unsettled questions pending: first, as to permitting seal-skins landed at British ports to be examined by American inspectors for the purpose of determining their sex, and whether or not said skins had been shot in violation of the Paris Award and the British law; and, second, the proposal for amending the Regulations on the subject of the use of fire-arms by pelagic sealers.

In reopening the subject, I wish to say that the Department assumes that Her Britannic Majesty's Government, in suggesting that the certificates of search and the sealing-up of arms (see Lord Gough's note of the 21st September, 1896),* shall be accepted by patrolling officers as conclusive evidence that no fire-arms are concealed on board, in effect proposes that under such circumstances there shall be no search whatever of such vessels. The Government of the United States does not think that the arrangement ought to be made on that line. It considers a search useful for two purposes: first, it discloses whether fire-arms or other implements are on the vessel during any prohibited time in violation of law; and, second, whether there are on board any seal-skins, if in a close season, and whether there are any skins which have been shot, if the vessel has been engaged in sealing in Behring Sea where the use of fire-arms is prohibited.

While the suggestion of Her Majesty's Government, if adopted, might properly be accepted as satisfactory evidence that there were no fire-arms or implements, forbidden to be used, concealed on board the vessel, there would still remain the second question as to whether or not in the close season there were on said vessel skins freshly killed, or, if in Behring Sea, shot. As regards American vessels, this latter question is settled by a careful inspection of each skin landed by an expert inspector. This precaution, however, although adopted by the United States upon the broad ground that it is absolutely essential for preventing the unlawful destruction of fur-seals, Her Majesty's Government refuses to adopt and declines to afford the United States an opportunity to make this inspection for itself by its duly appointed inspectors.

Under the circumstances, it will readily appear that if the United States were to accept the suggestion of Her Majesty's Government above referred to, it would result in discrimination against American vessels in favour of those of Great Britain. At this time the mere fact of the sealing-up of arms does not protect American vessels from being searched; on the contrary, they have been searched as thoroughly and as rigidly as have the British

* Inclosure 1 in No. 66, page 835.

vessels. The sealing-up of arms is merely a part of the evidence from which the boarding officer knows that said arms could not have been used in killing seals. To accept the suggestion of Her Majesty's Government and cease to search British vessels, especially in consideration of the fact above stated, that United States' vessels are rigidly searched, and that no examinations of skins are made at British ports, would be to discriminate doubly against American vessels.

It is believed by this Government to be practicable to discover by an examination of skins landed whether the seals have been shot or speared; also as to their sex, except in the case of pups. This method, I may observe, has been in practice for the past two years by the Government of the United States with most satisfactory results, and I take pleasure in transmitting herewith, for the information of Her Majesty's Government, copies of a Treasury Circular, dated the 12th April, 1895, giving full instructions respecting the pelagic catch of fur-seals.

The sole object of the proposals made by this Government concerning these subjects was to prevent the unlawful destruction of the fur-seals, an object clearly within the purview of the Paris Award, and which seems plainly indispensable, under existing circumstances, to the proper execution of the respective laws enacted by the United States and Great Britain to carry that Award into effect. Nor am I able to perceive that the proposed Regulations would interfere with any lawful business carried on by Her Majesty's subjects.

In view of the fact that the time is nearly at hand when the Regulations for the season of 1897 should be agreed upon, it is hoped that Her Majesty's Government will find it convenient to give the subject early attention, and to afford this Department the benefit of any suggestions it may have to present.

I have, &c.,

Sir J. Pouncefote.

RICHARD OLNEY.

(Inclosure 2.)—Circular of Instructions respecting the Pelagic Catch of Fur-seals.—Washington, April 12, 1895.

No. 69.—The Marquess of Salisbury to Sir J. Pouncefote.

(Telegraphic.)

Foreign Office, January 14, 1897.

BEHRING SEA.

Please communicate to the Governor-General of Canada, for the observations of his Ministers, a copy of Mr. Olney's note inclosed in your despatch of the 17th ultimo.

Inform the United States' Government at the same time that you have done so, and explain to them that legislation would be required in the Dominion for the compulsory examination of skins by experts when landed at Canadian ports, and that until the receipt of the Canadian Government's views Her Majesty's Government cannot go beyond the offer which Lord Gough was instructed to make in my despatch of the 9th September last.

No. 71.—The Marquess of Salisbury to Sir J. Pouncefote.

SIR, *Foreign Office, March 6, 1897.*

I HAVE received your Excellency's despatch, forwarding a copy of Dr. Jordan's preliminary Report on his fur-seal investigation in 1896, which was communicated to you by Mr. Olney, and which was afterwards presented to Congress. With reference to Mr. Olney's request for the communication of a preliminary Report from the British Agent who visited the Pribyloff Islands, I have to request you to inform the United States' Government that no formal record of proceedings has yet been received from Professor Thompson, but that Her Majesty's Government will be happy to furnish them with a copy of his definitive Report, which is in a forward state of preparation, as soon as it has been printed.

From such information as has hitherto been furnished by Professor Thompson, and the facts as to the present condition of the seal-herd set forth in Dr. Jordan's Report, there is apparently no reason to fear that the seal-herd is threatened with early extermination.

Her Majesty's Government, however, believe that some modification of the Sealing Regulations will be required at the expiration of the five years' term which was named by the Arbitration Tribunal of 1893. That period expires at the close of the season of 1898, and it would be desirable that the discussion of the modifications, which may be found necessary, should take place in the course of that year, in order that the revised Regulations may be ready for adoption before the sealing season of 1899; and with this object in view, Her Majesty's Government are very desirous of sending out special Agents again in June next to carry on further inquiries and observations in the Pribyloff Islands.

Professor Thompson has expressed his views as to the various points in regard to seal life which require further investigation, to enable Her Majesty's Government to consider the question of revising the Regulations.

The statistics of former observers were found to afford no evidence on which an accurate estimate of the diminution in the

number of seals could be based, but the careful count of the seals which was made last summer forms a valuable standard for comparison. It is very essential to ascertain, as far as possible, what has been the result of last season's operations on land and at sea and also to obtain the latest information as to the number of seals frequenting the islands.

The result of the joint investigations showed that no great difficulty was found in taking 30,000 seals on land in 1896; and whatever number it may be decided to kill this year, it is important to observe with what degree of facility the total is reached.

For these reasons, Professor Thompson is anxious that British Agents should again be appointed, with the same powers and the same freedom of action as they enjoyed last year.

I should wish your Excellency to communicate the substance of this despatch to the United States' Government, and to request them to be good enough to arrange that facilities and accommodation may, as before, be provided for the British Agents.

You should also state that Agents will be sent to the Commander and Robben Islands, and that an application has been made to the Russian Government on this subject.

I am, &c.,

Sir J. Pouncefote.

SALISBURY.

No. 72.—The Marquess of Salisbury to Sir J. Pouncefote.

SIR,

Foreign Office, March 9, 1897.

IN your Excellency's despatch of the 24th July, 1896, forwarding a copy of a note from Mr. Rockhill, Acting Secretary of State, it was stated that the United States' Government would give their careful consideration to the alternative proposals of Her Majesty's Government with regard to the representation of the United States by counsel at the trials of British sealing-vessels seized by American revenue-cruisers in Behring Sea.

I should wish your Excellency to endeavour to obtain an answer from the United States' Government to the suggestion that they should enter into an agreement to satisfy the Judgment of the Court if the seizure should be held to be wrongful, an arrangement being at the same time made by which they should employ solicitors and counsel, and conduct the prosecution of the suits in the name of the Crown.

In the opinion of Her Majesty's Government, it would be more satisfactory that each country should become responsible for the prosecution of vessels seized by its officers, and in support of this view you should refer to the seizure of the "*Beatrice*" in 1893, in

consequence of which Her Majesty's Government have had to pay costs and damages amounting to 784*l*. I authorized you in my despatch of the 22nd May, 1896, to state that Her Majesty's Government would not feel justified in proceeding with an appeal in this case, as requested by Mr. Olney, unless the United States' Government were prepared to bear the cost and to satisfy any damages which the Court might award. It would no doubt have been better in this instance that the prosecution should have been conducted from the outset by the United States' Government, who would then have themselves been at liberty to decide on the question of appeal.

You should take this opportunity of stating, with reference to Mr. Olney's note of the 15th December, 1896, a copy of which was inclosed in your despatch of the 17th December last, that Her Majesty's Government are still in correspondence with the Canadian Government respecting the Supplementary Regulations desired by the United States' Government, providing for the examination of seal-skins at Canadian ports, and for the sealing-up of fire-arms on board British vessels, and that a further communication will be made on these subjects as soon as possible.

I am, &c.,

Sir J. Pauncefote.

SALISBURY.

No. 73.—*Sir J. Pauncefote to the Marquess of Salisbury.*—(Received March 29.)

MY LORD,

Washington, March 19, 1897.

WITH reference to my despatch of the 26th January last concerning the inspection of seal-skins and the use of fire-arms in Behring Sea, I have the honour to transmit herewith copy of a further note which I have received from the Secretary of State, requesting that a reply to Mr. Olney's note (copy of which accompanied my above-mentioned despatch to your Lordship) may be expedited.

I have forwarded a copy of the note, herein inclosed, to the Governor-General of Canada.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE.

(Inclosure.)—*Mr. Sherman to Sir J. Pauncefote.*

Department of State, Washington,

March 12, 1897.

EXCELLENCY,

ADVERTING to the Department's note of the 15th December, 1896, in regard to the proposed adoption of amended Regulations

for pelagic sealing in Behring Sea and the North Pacific Ocean, particularly as to those concerning the inspection of skins and the use of fire-arms, and to your note of the 16th January last, stating that the proposed Regulations, in so far as the same relate to the inspection of skins, cannot be made compulsory without legislation by the Canadian Parliament, I have the honour, in view of the near approach of the opening of the sealing season, to recall your attention to Mr. Olney's note of the 23rd January last, asking to be informed of the date when the Canadian Government would take action in regard to the inspection of seal-skins.

The urgency of this matter must be apparent to Her Majesty's Government, for which reason I trust that you will do all that in your power lies to expedite a reply upon this subject.

I have, &c.,

Sir J. Pouncefote.

JOHN SHERMAN.

No. 74.—Sir J. Pouncefote to the Marquess of Salisbury.—(Received April 1.)

MY LORD,

Washington, March 23, 1897.

I HAVE the honour to inclose herewith copy of a note which I have this day addressed to the United States' Secretary of State, in compliance with the instructions conveyed in your Lordship's despatch of the 6th instant, with regard to the revision of the Sealing Regulations and the reappointment of British Agents to visit the islands.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE

(Inclosure.)—Sir J. Pouncefote to Mr. Sherman.

SIR,

Washington, March 23, 1897.

WITH reference to an inquiry made by your predecessor on the 4th January last respecting the Report of Professor D'Arcy Thompson, British Commissioner in charge of the fur-seal investigation for 1896, I have the honour to inform you by direction of the Marquess of Salisbury, that no formal record of proceedings has yet been received from Professor Thompson, but that Her Majesty's Government will be happy to furnish the United States' Government with a copy of his definitive Report, which is in a forward state of preparation, as soon as it has been printed.

From such information as has hitherto been furnished by Professor Thompson, and the facts as to the present condition of the seal herd set forth in Dr. Jordan's Report, there is apparently no

reason to fear that the seal herd is threatened with early extermination.

Her Majesty's Government, however, believe that some modification of the Sealing Regulations will be required at the expiration of the five years' term which was named by the Arbitration Tribunal of 1893. That period expires at the close of the season of 1898, and it would be desirable that the discussion of the modifications which may be found necessary should take place in the course of that year, in order that the revised Regulations may be ready for adoption before the sealing season of 1899; and with this object in view Her Majesty's Government are very desirous of sending out special Agents again in June next to carry on further inquiries and observations in the Pribyloff Islands.

Professor Thompson has stated to Her Majesty's Government his views as to the various points in regard to seal life, which require further investigation, to enable Her Majesty's Government to consider the question of revising the Regulations.

The statistics of former observers were found to afford no evidence on which an accurate estimate of the diminution in the number of seals could be based, but the careful count of the seals that was made last summer forms a valuable standard for comparison. It is very essential to ascertain as far as possible what has been the result of last season's operations on land and at sea, and also to obtain the latest information as to the number of seals frequenting the islands.

The result of the joint investigations showed that no great difficulty was found in taking 30,000 seals on land in 1896; and, whatever number it may be decided to kill this year, it is important to observe with what degree of facility the total is reached.

For these reasons Professor Thompson is anxious that British Agents should again be appointed, with the same powers and the same freedom of action as they enjoyed last year.

In communicating the above I am directed by my Government to express the hope that the facilities and accommodation which were last year provided for the British Agents may be likewise afforded on this occasion.

I may add that Agents will be sent to the Commander and Robben Islands, and that an application has been made to the Russian Government on this subject.

I am informed by telegraph by the Marquess of Salisbury that Professor Thompson is desirous of starting on the 8th April via Japan, and to visit the Russian islands in the first instance. In view of the very short time which remains, I venture to ask you to be good enough to favour me with a reply to this note at your

earliest convenience, in order that I may be able to report by telegraph to Lord Salisbury whether the United States' Government are willing to afford the facilities, to which I have above alluded, to the British Agents.

I have, &c.,

J. Sherman, Esq.

JULIAN PAUNCEFOTE

No. 75.—*Mr. White to the Marquess of Salisbury.*—(Received April 10.)

Embassy of the United States, London.
April 10, 1897.

MY LORD,

I HAVE the honour to inform your Lordship that, as a result of the investigation made last year in Alaskan waters by Dr. Jordan, with whose views Professor Thompson, who was sent by Her Majesty's Government to make similar investigations, is believed to concur, the present state of the Alaskan seals has forced itself in the midst of the many cares attending the organization of the Administration upon the attention of the President of the United States, to whom the depleted condition and prospective early extinction of the herd are a matter of grave concern. I have received urgent telegraphic instructions, therefore, to bring the subject to the immediate attention of Her Majesty's Government, and to communicate the President's earnest hope and expectation that effective measures may at once be adopted by the respective Governments with a view to putting a stop to the indiscriminate slaughter of the seals through pelagic sealing.

I am instructed to suggest to Her Majesty's Government that, in the opinion of the President, a *modus vivendi* based upon that of 1891, with equitable provision for the various interests involved, suspending all killing of all seals during the season of 1897 in Behring Sea, should be agreed upon without delay, and that this should be accompanied by an arrangement for a joint Conference at an early day of the Powers concerned for the purpose of agreeing upon the measures necessary for the preservation of the seals in the North Pacific from extermination, and of restoring them to their normal condition with a view to their continued existence.

To defer taking up the subject until after the termination of the season 1898, as contemplated by the Award of the Tribunal of Arbitration at Paris, would, in the opinion of my Government, be fatal to the object in view, as, should the destruction continue during two more seasons, there will be no occasion, owing to the disappearance of the seals, for a Conference. The President sees, therefore, no escape from the conviction that there is urgent

necessity for prompt action such as I now have the honour to propose on his behalf, and in so doing I am instructed to say that if Her Majesty's Government should see their way to agreeing to the *modus vivendi* herein suggested, my Government will have pleasure in giving full opportunity to Professor Thompson and his assistants to visit the seal islands in accordance with a request to that effect which has been made by the British Ambassador at Washington.

In view of the approach of the sealing season, and of the consequent importance that the President should be in a position to know as soon as possible whether he may count, as he hopes, upon the friendly co-operation in this matter of Her Majesty's Government, I have the honour, in accordance with the instructions of the Secretary of State, to ask your Lordship to be so good as to cause a reply to be sent to this note at the earliest date which may be practicable.

I have, &c.,

The Marquess of Salisbury.

H. WHITE.

No. 77.—*Sir J. Pauncefoot to the Marquess of Salisbury.*—(Received April 14.)

Telegraphic.)

Washington, April 14, 1897.

WITH reference to your Lordship's despatch of the 6th March, I have received a verbal assurance from the Department of State to the effect that the facilities asked for on behalf of Professor Thompson will be accorded. The United States' Government hope that Dr. Jordan may accompany Professor Thompson on his journey.

The reply from the United States' Government has been greatly delayed, but a note on the subject has been promised to me.

I have sent to your Lordship by the mails of the 9th instant and this day two important despatches recording an interview with Mr. Sherman, and inclosing a note from him reopening the question of the Regulations concerning the fur-seal fishery, and pressing that the *modus vivendi* should be renewed this season, and a Conference of the Powers interested be immediately summoned.

The Honourable J. W. Foster, who was United States' Agent at the Paris Arbitration, has been nominated by the President a Commissioner to carry on the negotiations and conduct the correspondence on the subject on behalf of the United States' Government.

No. 78.—Sir J. Pouncefote to the Marquess of Salisbury.—(Received April 17.)

MY LORD,

Washington, April 9, 1895.

YESTERDAY being the day set apart by the Secretary of State for receiving the foreign Representatives, I called on Mr. Sherman at the Department of State, and, after transacting some formal business, he suddenly introduced the subject of the fur-seal fishery, and asked me whether I had not had some recent negotiation with his predecessor on the subject. On my replying that nothing had passed between Mr. Olney and myself except what appeared in the official correspondence, he proceeded to state that he was anxious to know how Her Majesty's Government would view an arrangement among all the Powers interested, that is to say, Great Britain, the United States, Russia, Japan, and Hawaii, to prohibit absolutely the killing of fur-seals, both on land and at sea, for such period as might be found necessary to enable the herds to recuperate and regain their normal numbers, the gradual decrease of which during the preceding years pointed to early extermination of the species. This fact could no longer reasonably be doubted, in view of the statistics and of the reports of scientists, and the danger had to be faced. The only practical solution that presented itself was to adopt the recommendation of the Behring Sea Tribunal of Arbitration formulated in the second paragraph of the Declaration appended to the Award, and to carry it out on a larger international basis. He was convinced that, as regards the nations not parties to the arrangement, no fear need be entertained that they would refuse their adhesion to it in furtherance of the beneficent purpose in view.

In the meantime, a Commission might be appointed to watch the effect of the measure, to advise as to the proper time for the resumption of the industry, and as to the conditions and regulations under which it should be carried on, both on land and at sea, with a view to the preservation of the species, and to an equitable adjustment of the rights and interests of all parties.

Mr. Sherman added that Great Britain was quite as much interested as the United States in the recuperation of the fur-seal species, and both countries should be equally willing to make the sacrifices which might be necessary to insure so advantageous a result.

As regards the United States, he believed that such an arrangement would be heartily welcomed and accepted by Congress.

Finally, Mr. Sherman asked me to sound your Lordship as to your views on the subject of his proposal, which, if favourably entered upon, might, he thought, be carried out next year.

I promised Mr. Sherman that I would submit his observations and suggestions to your Lordship, and I should be glad to be favoured with instructions as to the language which I should hold to him on the subject.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE.

No. 79.—Sir J. Pauncefote to the Marquess of Salisbury.—(Received April 21.)

MY LORD,

Washington, April 13, 1897.

IN my despatch of the 9th instant I had the honour to report the language held to me by the new Secretary of State, Mr. Sherman, on the subject of the fur-seal fishery in the North Pacific, and his proposal for an international arrangement on a wide basis for the recuperation of the fur-seal herds, which, in the opinion of the scientific advisers of his Government, are decreasing in numbers with a rapidity which threatens early extinction.

The following day, but too late for transmission by the same mail, I received a note from him, of which I have the honour to inclose a copy.

This note is a reply to that which I addressed to him on the 23rd ultimo, under the instructions contained in your Lordship's despatch of the 6th ultimo, and of which a copy was inclosed in my despatch of the 23rd ultimo.

The note enters into statistics in support of the contention of the United States' Government that "pelagic sealing, if persisted in, will sooner or later result in practical extermination," and strongly urges the suspension of all killing of fur-seals in 1897, and a Joint Conference at an early day of the Powers concerned to agree upon measures necessary to preserve the fur-seals of the North Pacific Ocean from extermination, and to restore them to their normal condition for insuring continued existence.

No reply is made to the request that facilities may be granted to Professor Thompson to visit the Pribyloff Islands again this year; but I hardly think that it is intended to withhold them, and I hope to obtain a favourable answer in a few days, in which case I will advise your Lordship of it by cable.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE.

(Inclosure.)—*Mr. Sherman to Sir J. Pauncefoot.*

Department of State, Washington.

April 9, 1897.

EXCELLENCY,

CIRCUMSTANCES beyond my control have delayed an answer up to this time of the note you did me the honour to address me under date of the 23rd ultimo, wherein you advise me of the desire of your Government that Professor Thompson should revisit the seal islands in Behring Sea, and that the same facilities and accommodations which were last year provided for the British agents may be afforded on the contemplated visit.

The Government of the United States has always cheerfully welcomed the visit to the Pribyloff Islands of duly-authorized British agents who were desirous of making an impartial and scientific study of the seal herd which has its home on those islands, and if your note had been confined to this request, it would have received the prompt and favourable reply for which you expressed a desire. But it contained statements of fact and conclusions reached by Her Majesty's Government of such a serious character that I felt it my duty to lay the note before the President for his consideration and instructions. Notwithstanding the many and absorbing questions which demand his time in the inauguration of his Administration, he has given to the subjects suggested by your note the preferential attention which their importance demanded, and, though he has as promptly as possible devoted his time to the examination and consideration of the facts and correspondence, I have not until the present been able to make the response to your note which a due regard for its tenour required.

The President instructs me to say that he is greatly concerned as to the present depleted condition and the prospective early extinction of the Alaskan seal herd. He cannot agree with your note as to the conclusions reached by Dr. Jordan in his Report.

Unfortunately for the Government of the United States, it does not have the information contained in Professor Thompson's Report possessed by Lord Salisbury. Feeling that the results of the investigations made in 1896 by the scientists of the two Governments should be respectively made known to each other at the earliest practicable date, my predecessor caused Dr. Jordan's Report to be promptly prepared, and copies of it have been in the hands of the British Government for some time past. It is much regretted that a similar course was not pursued as to the Report of Professor Thompson, and peculiarly unfortunate that another season of pelagic sealing should be entered upon without any opportunity on the part of my Government to examine the Report.

The President is, therefore, forced to reach his conclusion on the

points treated of in your note by a careful study of Dr. Jordan's Report, and other ascertained facts and statistics.

Dr. Jordan's Report shows conclusively that there has been a distinct and steady decrease both in the total number of breeding seals and in the number of harems of breeding cows in the season of 1896, as compared with that of 1895.

It further appears from said Report conclusively, that this diminution has been caused by pelagic sealing, the most destructive effects of which are manifested in Behring Sea in August, at which time at least two-thirds of the catch consists of females who are then leaving the islands for food for their pups.

It is further shown that the number of pups thus dying from starvation, their mothers having been killed at sea, amount for the season of 1896 to about 14,473.

It is further apparent from said Report that it was as easy in 1880 to procure 100,000 skins on land of the same quality as those taken during the season of 1896 as it was to obtain the catch of last year's, namely, 30,000. The number of breeding females is not over one-fourth as many now as in 1880. These facts lead Dr. Jordan to the positive conclusion that pelagic sealing will ultimately result in the practical extinction of the herd.

Turning to the statistics of the catch in Behring Sea, it appears that thirty-seven vessels in 1894 killed 31,585 seals, while in 1896 sixty-seven vessels only secured 29,500. The average catch per vessel in Behring Sea in 1894 was 853, as compared with 440 in 1896. It may be claimed that the land catch increased in 1896, as compared with 1895, from 15,000 to 30,000, and that this may have had some influence upon the decrease of the pelagic catch of 14,669 in 1896 as compared with 1895.

It should be remembered, however, that the average percentage of females to males in the Behring Sea catches of both British and American vessels was about two-thirds females to one-third males.

At the utmost, therefore, the increased catch on the islands would have affected the pelagic catch a little more than 4,000 skins, leaving a decrease of at least 10,000 unaccounted for except by a falling-off in the female seals.

It should further be remembered that the catch on the islands was increased in 1896 to 80,000, because it was plain upon scientific investigation that the dangerous mortality among female seals brought about by pelagic sealing had left the number of bulls greatly in excess of the due proportion between the sexes, and to properly care for the herd it became necessary to remove as far as possible this menacing excess of male life upon the islands.

The further startling fact appears that in Behring Sea the total

catch decreased from 44,169 in 1895 to 29,500 in 1896, a decrease of 33 per cent. in the herds' capacity to yield a pelagic catch, and if allowance is made for the seals which the pelagic sealer was prevented from taking by the increased land killing of 1896, the percentage of decreases in the capacity of the herd for such a yield is still found to be about 25 per cent. in one year.

When it is further considered that the present number of breeding seals (a little over 143,000 in 1896) is but little more than one-half of the number (280,000) computed to be on said islands in 1890, it must become evident that before arrangements can be concluded for the new regulations for the season of 1899, there is grave reason to fear that the herd will have reached a stage so low that recuperation can be secured only with great difficulty, if at all.

From the foregoing and other facts which might be cited, the President is forced to express his strong dissent from the conclusions which seem from your note to have been reached by Her Majesty's Government, that there is no such imminent danger of the early extermination of the seal herd as to call for any action by the two Governments before the close of the season of 1898.

On the contrary, he feels that if the destruction goes on meanwhile there will be little occasion for action then, as the herd will be so far reduced as to render its further protection fruitless. The expression "no reason to fear that the seal herd is threatened with early extermination" is noted with surprise. Is it the intention of the British Government to delay action until the verge of extinction is reached? Does that course commend itself to its sense of justice and humanity? Is it right that the great interests of a friendly Power and the existence of a useful race of animals should be exposed by the continued practice of a means of slaughter which it is conceded will ultimately result in their destruction?

The Paris Tribunal reached the conclusion, upon the facts before it, that a certain amount of pelagic sealing could be carried on without serious danger to the continued existence of the herd, and upon this conviction it authorized the practice of pelagic sealing under certain restrictions as to time and methods. But the experience of the past years since the decision at Paris has shown that the conclusion there reached is not sustained by the facts, and that pelagic sealing, if persisted in, will, sooner or later, result in practical extermination. Such being the ascertained fact, it seems to the President just and right that the practice authorized by the Tribunal under a fallacious conclusion should be abandoned or modified in such a way as to accomplish the declared purpose of the Paris Arbitration, the continued existence and preservation of the herd.

In view of the foregoing conclusions, the President has directed me to communicate by cable to the Embassy in London his desire that the subject be brought at once to the attention of Lord Salisbury, with the urgent request that a *modus vivendi* should be agreed upon, with equitable provision for the interests involved, suspending all killing for the season of 1897; and that this should be accompanied by an arrangement for a Joint Conference at an early day of the Powers concerned to agree upon measures necessary to preserve the seals of the North Pacific Ocean from extermination and to restore them to their normal condition for insuring continued existence.

Our Representative in London was instructed to urge an early answer to the proposal, as the President desired to know whether he could reply upon the friendly co-operation of Great Britain.

In communicating to you, Mr. Ambassador, the foregoing action of the President, I invoke your good offices with your Government at London to secure from it such favourable action as will tend to cement our relations of cordial co-operation and friendship.

I have, &c.,

Sir J. Pouncefote.

JOHN SHERMAN.

No. 82.—*The Marquess of Salisbury to Sir J. Pouncefote.*

SIR,

Foreign Office, April 22, 1897.

I TRANSMIT to your Excellency herewith a copy of a note from the United States' Chargé d'Affaires,* stating that he has received instructions to bring the question of the fur-seal fishery in Behring Sea to the immediate attention of Her Majesty's Government, and to express the earnest hope of the President that effective measures may be at once taken by the respective Governments in order to put a stop to the indiscriminate slaughter of the seals through pelagic sealing. It is suggested that a *modus vivendi* similar to that of 1891 should be agreed to, to be followed by a Joint Conference of the Powers concerned, with a view to the necessary measures being adopted for the preservation of the seals in the North Pacific.

It is further stated that in the event of Her Majesty's Government concurring in these proposals, full opportunity will be given to Professor d'Arcy Thompson to visit the seal islands in accordance with the request which was made to the United States' Government through your Excellency.

Her Majesty's Government were convinced that the United States' Government did not intend to refuse all further opportunity for investigation unless these proposals were accepted, and I have

* No. 75, page 896.

accordingly been glad to receive your Excellency's telegram of the 14th instant, stating that the requisite facilities will be accorded to Professor Thompson to enable him to visit the islands again this season, and that Dr. Jordan will, it is hoped, join him in his tour.

The above urgent application is reported to be based on the result of Dr. Jordan's investigations last year, in which, it is stated, Professor Thompson is believed to concur.

I am now able to inclose, for communication to the United States' Government, copies of Mr. Thompson's Report,* from which it will be seen that the President is mistaken in supposing that, in the opinion of the British Agent, there is any immediate cause for alarm.

Dr. Jordan's Report, moreover, has been carefully examined, and does not appear to contain any facts which would warrant the statement made in Mr. White's note as to the "depleted condition and prospective early extinction of the herd."

On the contrary, both Reports are, generally, to the effect that the number of seals in 1896 showed no evidence of any measurable diminution as compared with 1895, and that no immediate danger is to be apprehended to the herd, which appears to be in a much better condition than was reported in 1894 and 1895.

For instance, in commenting on the statistics for 1895-96 for St. George Islands, Mr. Thompson states, at page 7 of his Report, that, although the figures may not afford any positive evidence of an actual increase of the herd between the seasons of 1895 and 1896, on the other hand, it is abundantly clear that there is no evidence at all to show a decrease during that period, and that the state of the herd on the island is at least very much better than it was believed to be from the Reports of the American agents in 1895. He further observes (page 17) that, had the decrease in the rookeries been as great and evident as it was reported to be up to 1895, the next twelve months would surely have shown signs still more unequivocal of continued impoverishment of the stock. The photographs, however, show, with very few exceptions, an identical record. The herms were counted in both years by the same agents, and all the rookeries but one show a large increase in the latter year. Owing to the stormy weather prevailing during the last sealing season, the pelagic catch was much reduced, the catch in Behring Sea having only been about two-thirds of that of 1895. The low prices, moreover, realized for last year's skins are likely to lead to a smaller number of vessels fitting out for the fishery this season, and there is, therefore, no information before Her Majesty's Government to warrant the belief of the United States' Government that, to defer taking up the

* Parliamentary Paper "United States (No. 3 (1897).)"

subject until after the season of 1898 would be fatal to the preservation of the herd.

Similar statements as to the immediate disappearance of the herd have been made in previous years, but experience has shown that the fears then expressed were groundless, and Her Majesty's Government are convinced that they will prove to be equally so on the present occasion. The small catch and low prices obtained for the skins last year brought many of the owners of the sealing-vessels to the verge of bankruptcy, and were Her Majesty's Government to prohibit pelagic sealing altogether for this year, it would mean the probable ruin of a considerable number of British subjects engaged in a lawful industry. Of course, if the United States' Government are prepared to give adequate compensation to the sealing fleet on account of its enforced abstention from the fishery this season, Her Majesty's Government would have no reason for refusing their assent to the proposal for a *modus vivendi*; but they do not gather that such is the case, and it would be impossible for them to submit a vote to Parliament for the purpose, holding as they do that no sufficient reason has been shown for its necessity.

As regards the proposed Conference, Her Majesty's Government are of opinion that further investigation is necessary on many points connected with seal life before the questions at issue could be discussed with the hope of attaining any satisfactory result.

Dr. Jordan and Professor Thompson are agreed that it is most important that an accurate count of seals on the principal rookeries should be made during several seasons, in order to ascertain the changes from year to year, and there are other important points mentioned in the conclusion of Mr. Thompson's Report on which, pending further inquiry, he finds it desirable to suspend judgment.

It is admitted that the investigations carried out last year afforded for the first time any really reliable statistics in regard to the condition of the herd, and that all previous reports received on the subject are practically valueless for purposes of comparison.

To estimate accurately the effect on the herd of the various agencies now at work, reliable statistics, extending over a sufficient period to enable accidental circumstances to be eliminated, should be available; and Her Majesty's Government must adhere to the view set forth in my despatch of the 6th ultimo, that further investigation is required before the question of revising the Regulations can be considered.

Your Excellency will read this despatch to the Secretary of State, and leave a copy of it with him should he desire it.

I am, &c.,

Sir J. Pauncefote.

SALISBURY.

No. 85.—*Sir J. Pauncefote to the Marquess of Salisbury.*—(*Received May 1.*)

MY LORD,

Washington, April 20, 1897.

WITH reference to your Lordship's despatch of the 13th *May* last,* in which your Lordship instructed me to ascertain the view of the United States' Government as to the proposition that in future all suits brought in British Courts for condemnation of British sealing-vessels seized by American officers for violation of the Behring Sea Award should be conducted in the name of the Crown by counsel employed by the United States' Government, and that the United States should further enter into an agreement to satisfy the Judgment of the Court if the seizure should be held to be wrongful, I have the honour to inclose copy of a note which I have received from the Secretary of State in reply to my inquiries on the subject.

Mr. Sherman states that, for the reason set forth in his note, the United States' Government are not disposed to agree to the proposal made by Her Majesty's Government.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE

(*Inclosure.*)—*Mr. Sherman to Sir J. Pauncefote.*

EXCELLENCY,

Washington, April 17, 1897.

I HAVE the honour to acknowledge the receipt of your note of the 24th ultimo, asking to be informed of the views of this Government as to the proposition contained therein; and also, in an earlier note of the 25th June last, to the effect that in the future all suits brought in British Courts for condemnation of British sealing-vessels seized by American officers for violation of the Behring Sea Award be conducted in the name of the Crown by counsel employed by the United States' Government, and that the United States should further enter into an agreement to satisfy the Judgment of the Court if the seizures should be held to be wrongful.

The proposition has received the careful consideration of the Government, and I beg to reply that the suggestion contained in your note cited above grew out of a request that the British Government give its consent to the appointment of counsel to represent the United States in proceedings brought against the *Shelby*, and to be brought against other British vessels for violating the Behring Sea Award Act. It was not intended, however, by that request to convey the impression that the Government of the United States desired to become a party to the proceedings, but merely that

* See also No. 72, page 892.

the privilege was desired of watching the progress of the trials, and of making suggestions from time to time as to matters in issue which affect, or might affect, the interests of the United States.

This privilege was very kindly accorded in your note of the 5th June, 1896, and fully satisfied every wish of this Government, which appreciates every effort that has been and will be made by Her Majesty's Government to punish infractions of the said Act by British subjects. Upon careful reflection, therefore, I can see no occasion for entering into the further arrangements suggested in your note to my predecessor of the 25th June, 1896, and recalled to my attention in your note of the 24th ultimo.

I have, &c.,

Sir J. Pouncefote.

JOHN SHERMAN.

No. 87.—The Marquess of Salisbury to Sir J. Pouncefote.

(Telegraphic.)

Foreign Office, May 1, 1897.

WITH reference to your despatch of the 19th March respecting the Behring Sea negotiations, I have to inform you that the renewal of the Agreement for the sealing-up of arms by a duly authorized officer, on the application of the master, is agreed to by Her Majesty's Government.

The Dominion Government are unable to concur in the suggestion as to the examination of skins by United States' officers at port of arrival.

I authorize you to inform the Government of the United States of the above.

A despatch follows.

No. 88.—The Marquess of Salisbury to Sir J. Pouncefote.

SIR,

Foreign Office, May 1, 1897.

WITH reference to your despatch of the 19th March, I have to inform you that the Canadian Government have expressed their views on the Supplementary Regulations proposed by the United States' Government for the seal fishery in Behring Sea in regard to the sealing-up of arms and the examination by United States' officers of the skins landed at Victoria from British sealing-vessels.

I have to-day authorized your Excellency, by telegraph, to inform the United States' Government that Her Majesty's Government are prepared to agree to the renewal of the Arrangement made in 1894 for the sealing-up by a duly authorized officer, on the application of the master, of the arms on board a vessel proceeding to the fishery in Behring Sea, or returning to port during the close season;

but that the Canadian Government found themselves unable to concur in the suggestion that the skins landed from the British sealing fleet should be examined at the port of destination by American experts.

As regards this last proposal, the Canadian Government are convinced that, even were it possible to establish that any punctures which might be found in the seal-skins were the result of gun-shot wounds, and that they could be readily distinguished from those made by spears, it would still be impossible to prove that the animal from which the pelt was taken had been killed by means of fire-arms. It is a matter, it is said, of common knowledge that the skins of a large number of seals killed by spears contain shot-wounds so that no weight can be attached to any argument derived from these wounds as to the manner whereby the ultimate capture of the seal was effected. There is no means of proving that these shot-wounds were not received during the migration of the seals outside Behring Sea, where the use of fire-arms is not prohibited; or that they may not have been inflicted by the crew of a vessel other than the one by which the seal was eventually secured by the spear. Moreover, sealers, knowing that an examination such as that suggested awaited them at their destination, could readily add a spear-wound to the skin had the seal been shot, thus effectually destroying the utility of any such test.

The case of the *Kate* is referred to by the Canadian authorities as illustrating the force of the above remarks. As your Excellency is aware, this vessel was seized last season because certain skins found on board were believed to have shot-holes in them, though it was afterwards found that the vessel had no fire-arms whatever on board.

The Canadian Government are further of opinion that an examination of the salted skins when landed at the home ports would prove of little use in establishing the sex of the seals killed. They state that when the United States' Treasury Circular, which is referred to in Mr. Olney's note, first came into their possession, the matter was exhaustively considered, and the conclusion reached that the tests therein indicated were wholly ineffective for determining the question of sex.

The Minutes of the Canadian Privy Council dealing with the matter have been communicated direct to your Excellency by the Governor-General; but I think it well for your convenience to place the views of the Dominion Government on record in a despatch, as it is probable that the question will again be referred to by Mr. Secretary Sherman.

I am, &c.,

Sir J. Pouncefote.

SALISBURY.

No. 90.—The Marquess of Salisbury to Sir J. Parncefcote.

SIR,

Foreign Office, May 7, 1897.

I HAVE had under consideration, in communication with Her Majesty's Secretary of State for the Colonies, Mr. Sherman's note of the 9th ultimo on the subject of the fur-seal fishery, of which a copy was inclosed in your Excellency's despatch of the 13th April.

Mr. Sherman urges that all killing of fur-seals should be suspended for the present, and that a Joint Conference of the Powers concerned should meet at an early date to agree upon the measures necessary to preserve the seals from extermination, and to restore the herd to its normal conditions.

The same proposals were made in the note from the United States' Chargé d'Affaires of the 10th ultimo, a copy of which was transmitted to your Excellency in my despatch of the 22nd April, with instructions as to the answer to be returned to the United States' Government on the subject.

Mr. Sherman, however, adduces certain statistics in support of the contention that the seals are threatened with early extermination, which make it necessary for Her Majesty's Government to deal with his despatch in a separate communication.

With regard to Mr. Sherman's complaint that the United States' Government had not been furnished with a copy of Professor Thompson's Report of his investigations last year, I have to state that Her Majesty's Government regret the delay that has occurred in the matter. It has been caused partly by Mr. Thompson's professional duties, and also by the necessity of his waiting for certain notes and information with which he had asked Mr. Macoun, the Agent of the Dominion Government, to furnish him. The Report is, however, now in the hands of the United States' Government.

Mr. Sherman proceeds to state that in the absence of Professor Thompson's Report the President has been forced to reach his conclusions as regards the condition of the seal fishery by a careful study of Dr. Jordan's Report, and other ascertained facts and statistics. It is to be regretted that Mr. Sherman has not referred to the passages in Dr. Jordan's Report on which the conclusions of the President have been arrived at. So far as Her Majesty's Government can judge in the absence of such indications, the President's conclusions would appear to be based only on general assertions and deductions in that Report.

Mr. Sherman states that Dr. Jordan's Report shows conclusively that there has been a distinct and steady decrease both in the total number of breeding seals, and in the number of harems of breeding

cows in the season of 1896 as compared with that of 1895, and that it further conclusively appears from the Report that this diminution has been caused by pelagic sealing.

Dr. Jordan, however, states, on page 21, as follows: "In 1895 Mr. Murray made a careful count of the number of harems of the two islands, finding 5,000 in all. At the same period in 1896 he found that the number of harems was reduced to 4,853, a loss of $3\frac{1}{4}$ per cent., the number of bulls without harems having increased 7 per cent."

On page 16 Dr. Jordan himself gives the number of harems in 1896 as 5,009—a small increase on Mr. Murray's count of 5,000 in 1895, instead of a decrease of less than 3 per cent. (not $3\frac{1}{4}$ per cent. as calculated by Dr. Jordan). Similarly as regards the number of breeding cows, Dr. Jordan's count, as recorded on page 16, gives 81,798 for 1896, while the figures for 1895, as given by himself on page 20, were only 70,423. The state of the rookeries in 1895, as compared with 1896, is fully dealt with by Professor Thompson, and is referred to in my despatch of the 22nd ultimo, and it is therefore unnecessary to discuss the matter at length. That Report also deals, so far as the information at present available is concerned, with the question of the mortality of pups owing to the killing of their mothers at sea, and the general conclusions at which he arrived, as set forth on page 25 of his Report, show that the number 14,473, at which Mr. Sherman places the deaths from this cause, must be subject to very large deductions.

It may be the case, as stated, that it was as easy in 1880 to procure 100,000 skins on land of the same quality as those taken during the season of 1896 as it was to obtain the catch of last year. viz., 80,000; but it must not be forgotten that in 1890 not even 80,000 skins could be obtained. The question of the comparative ease or difficulty with which a stated catch was obtained in two years so far apart as 1880 and 1896 would, even if the same individuals were employed on each occasion, be an uncertain foundation on which to base any estimate of the comparative numbers of the herd; but Her Majesty's Government have never denied that the herd has diminished largely since 1880, though they maintain that any share pelagic sealing may have had in bringing about that decrease is insignificant compared with that of other causes which appear to be overlooked in the United States.

If, as alleged, the number of breeding females in 1880 was four times as many as in 1896, or 600,000 in the former year, and 150,000 in the latter, while in 1890 there were 280,000, the figures completely negative the conclusion that the pelagic sealing has been the cause of the decline, for in the eleven years, 1880 to 1890, while the herd was reduced, according to Dr. Jordan's estimate, by

320,000 breeding females, only 246,902 seals were killed at sea, while in the period 1891 to the end of the spring season of 1896 the pelagic catch reached a total of 269,388, and during this period the decrease in the number of breeding cows was only 130,000.

A herd of 600,000 breeding cows should mean, according to Dr. Jordan's estimate an annual addition of 100,000 breeding cows to the rookeries, yet in the eleven years, 1880 to 1890, while the pelagic catch only averaged some 22,000 a-year, there was not only no addition to the rookeries, but an average annual decrease of some 30,000. If this enormous loss was entirely due to pelagic sealing, as Dr. Jordan maintains, it would have doubled when pelagic sealing doubled, and the herd ought to have ceased to exist some years ago. Yet during the years which followed, with a herd supposed to range from 280,000 to 150,000, and with an annual addition of cows to the rookeries which should, if Dr. Jordan is correct, have been from 48,000 to 25,000, the pelagic catch has averaged about 50,000 a-year; yet the loss to the rookeries has been only some 25,000.

These statistics of Dr. Jordan's, as set forth in his Report, prove clearly that the loss to the herd in the period during which pelagic sealing has been a large factor in the influences affecting it, has been insignificant compared with the destruction which went on prior to 1890 on the islands, and that the effect on the herd of that mode of sealing is much less serious than that of killing on land restricted to males only.

The frequent recurrence, moreover, of seasons characterized like that of last year by weather during which sealing operations at sea are interrupted affords a natural protection to the herd from exhaustion by pelagic sealing. The difference between the spring catch on the north-west coast in 1895 and 1896 furnishes an excellent illustration—fifty-two vessels in the former year securing only 8,383 skins, while forty-one vessels in 1896 secured 11,786 skins. The falling-off in the Behring Sea catch last season, which Mr. Sherman cites as due to the reduction of the herd, was, according to the information in the hands of Her Majesty's Government, fully explained by the interruptions due to bad weather; and as the great fall in the price of skins has led to a smaller number of vessels fitting out for the fishery this year, their contention that there is no immediate danger to the herd, so far at any rate as pelagic sealing is concerned, appears to be fully justified. But if the proceedings which led to the wholesale reduction of the seals between 1880 and 1890 are resumed, and all the best young male life is destroyed, there can be no question that the herd will at an early date cease to be of commercial importance.

In Mr. Sherman's note the killing of 30,000 males last year is justified on the ground that "it was plain upon scientific investiga-

tion that the dangerous mortality among female seals brought about by pelagic sealing had left the number of bulls greatly in excess of the due proportion between the sexes," and that "to properly care for the herd it became necessary to remove as far as possible this menacing excess of male life upon the islands."

If there was such a "menacing" excess of bulls, it is unfortunate that instead of attempting to reduce the excess, the killing was confined to males who would not become "bulls" able to take a place on the rookeries for another three years, during which period, so far as the killing of 1896 is concerned, the alleged excess of bulls on the rookeries will continue.

Mr. Sherman, in the conversation reported in your Excellency's despatch of the 9th April, pointed out that Great Britain was quite as much interested as the United States in the recuperation of the fur-sealing species.

As a matter of fact, the interest of this country has now for some years exceeded that of the United States, and should the herd be destroyed a large amount of British capital will be lost, and a large number of British subjects thrown out of employment. They have, therefore, reason to be more anxious for the establishment of proper regulations than the United States, but the examination of the Reports of last year's investigations, while it has shown that there is no indisputable evidence that the herd has quite recently been decreasing, and that there is no ground, therefore, for immediate alarm, has also shown that all previous statements as to the numbers of the herd have been conjectural, and that there is consequently no means available for testing the efficiency of the existing Regulations, or for showing the direction which any amendment of them should take.

To enable a thoroughly satisfactory revision to be made, accurate statistics should be available, extending over a sufficient period to eliminate accidental circumstances affecting the herd during the greater part of its life, which is spent where observation is impossible.

Until such information is available it would, in the opinion of Her Majesty's Government, be premature to enter upon the proposed Conference to discuss measures based on conjectures admitted to be of doubtful value; and the interests of this country in the question are too serious to warrant Her Majesty's Government in imperilling them by the adoption of any hasty decision.

Your Excellency will read this despatch to Mr. Sherman, and leave a copy of it with him should he desire it.

I am, &c.,

Sir J. Pouncefote.

SALISBURY.

No. 93.—*Sir J. Pauncefote to the Marquess of Salisbury.*—(*Received May 13.*)

MY LORD,

Washington, May 4, 1897.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 22nd ultimo, containing the reply of Her Majesty's Government to the proposals put forward by the United States' Government respecting the fur-seal fishery, and inclosing six copies of Professor Thompson's Report, for communication to the United States' Government.

I have the honour to report that I called yesterday at the Department of State and read to Mr. Sherman your Lordship's above-mentioned despatch, and left a copy of it with him, in compliance with your Lordship's instructions.

I also delivered to him the copies of Professor Thompson's Report.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE.

No. 94.—*Mr. Sherman to Mr. Hay.*—(*Communicated to the Foreign Office by Mr. Hay, May 22.*)

SIR, *Department of State, Washington, May 10, 1897.*

THE British Ambassador called upon me on the 8rd instant and handed me a copy of a despatch to him from Her Majesty's Principal Secretary of State for Foreign Affairs, bearing date the 22nd ultimo. This despatch constitutes the reply of the British Government to the proposals of the President, as presented in the note of your Embassy of the 10th ultimo, for a *modus vivendi* for the suspension of all killing of seals for the present season, and for a Joint Conference of the Powers concerned with a view to the necessary measures being adopted for the preservation of the fur-seal in the North Pacific. It will be seen that both proposals are rejected.

I need hardly say that the President is greatly disappointed at this action, especially when it is based upon such unsubstantial and inadequate reasons. The President's concern, in view of the depleted condition of the seal herd, was occasioned not alone from an examination of Dr. Jordan's Report of 1896, and what he had reason to suppose were the conclusions of Professor Thompson, but it was based upon a series of observations and statistics covering a much longer period than that treated by those gentlemen, establishing a state of facts beyond refutation, and which is in part set forth in my note to the British Ambassador of the same date as my cablegram to you.

It is therefore quite surprising that Her Majesty's Secretary
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should base his rejection of the proposals of this Government so impressively presented, upon the Report of one scientist whose facts and conclusions are incorrectly apprehended and the delayed Report of another, which is for the first time made public concurrently with the receipt of his Lordship's note.

It would have been gratifying to me and useful to my Government, in studying the important subject under consideration. Professor Thompson's Report could have been made public with the promptness which marked the appearance of that of Dr. Jordan. In that case there would have been ample time for both Governments to have examined the Reports of these two eminent scientists before the opening of another sealing season. But it seems to have better suited the purposes of Her Majesty's Government to withhold Professor Thompson's Report until an opportunity was afforded to examine that of Dr. Jordan, and thus enable the former to pass the latter in review, criticize its statements, and, as far as possible, minimize its conclusions. It is not pleasant to have to state that the impartial character which it has been the custom to attribute to the Reports of naturalists of high standing has been greatly impaired by the apparent subjection of this Report to the political exigencies of the situation. It is further to be regretted that the Report was so long delayed that no opportunity was afforded this Government to examine it before the definite and final rejection of the President's proposals, based mainly upon its conclusions, was communicated to me. This conduct recalls the incident which preceded the arbitration at Paris, and which came near rendering that arbitration abortive, when a similar Report of a British Commission was withheld until after the Case of each Government was exchanged and the Report of the American Commission made public.

Lord Salisbury asserts that Dr. Jordan's Report does not contain any facts warranting the statement that there is a "depleted condition and prospective early extinction of the herd." The note of your Embassy of the 10th ultimo does not attribute such a statement to Dr. Jordan; but it is difficult to understand how any one can read his Report without reaching the conclusion that such is the real condition of the herd. On page 18 he says:—

"From this time (1886) on the decline has been more rapid and has been continuous."

On page 21 he clearly recognizes diminution, as evidenced by photographs, as also by decrease of harems.

On page 66 he uses this expression:—

"As the herd is steadily diminishing the spring or north-west catch is becoming relatively unimportant."

Other citations might be made, but it would seem unnecessary in

view of his declarations, often repeated in his Report, respecting pelagic sealing, from which I give only one extract (page 29):—

“Pelagic sealing, in the judgment of the members of the present Commission, has been the sole cause of the continued decline of the fur-seal herds. It is at present the sole obstacle to their restoration, and the sole limit of their indefinite increase. It is therefore evident that no settlement of the fur-seal question as regards either the American or Russian islands can be permanent unless it shall provide for the cessation of the indiscriminate killing of fur-seals, both on the sealing grounds and on their migrations. There can be no ‘open season’ for the killing of females if the herd is to be kept intact.”

Professor Thompson's Report is plainly written with a view to minimize as far as possible the depleted condition of the herd on the Pribyloff Islands, and requires a critical examination not possible within the limits of the present instruction; but its general purport may be briefly stated. It is to be regretted that he should have contracted his study far within the purview of his instructions. In the outset of his Report, he says: “The main object of my mission was the collection of information and statistics with regard to the working and effectiveness of the Regulations” of the Paris Tribunal. But we look in vain in his Report for any discussion of that all-important subject. He confined his inquiry and Report to the subordinate subject of the number of seals resorting to the islands, and particularly to the relative numbers in 1895 and 1896. The result of his observations and inquiry seemed to be that on some rookeries there was an increase and on others a decrease, but on the whole a possible state of equilibrium for the past two years, although he concedes a diminution as compared with 1892. If all the Professor claims is admitted, it does not militate against the contention that since pelagic sealing became general the decline of the herd has been steady and rapid. The apparent equilibrium noted in his Report is well explained by Dr. Jordan when he says (page 18):—

“There is evidence that the *modus vivendi* of 1892–93, by which Behring Sea was closed to the sealing fleet, has produced for 1895 and 1896 a slight check of the diminution. The reason for this is that in addition to the saving of mothers, no pups were starved to death in 1892 and 1893, and those which might have been starved have returned as breeders or as killable seals in 1895 and 1896.”

Since the receipt of Lord Salisbury's despatch explicit inquiry has been made of Dr. Jordan as to the relative condition of the herd in 1895 and 1896 and in previous years, and he has furnished the chapter on the “Decline of the Herd” from the forthcoming

Final Report of himself and associates, from which the following extract is taken:—

"While the amount of the decline cannot be stated with mathematical exactness, it is possible from the data at hand to make an approximate estimate. From a careful study of all the conditions, in our opinion the fur-seal herd of the Pribyloff Islands has decreased to about one-fifth its size in 1872-74; to somewhat less than one-half its size in 1890, and that between the seasons of 1895 and 1896 there has been a decrease of about 10 per cent."

Although Professor Thompson has been very careful throughout the Report to say nothing likely to embarrass his Government, in the "conclusions" the voice of the true scientific investigator speaks in firm and certain tones. While he regards "the alarming statements . . . of the herd's immense decrease" as overdrawn, he says "there is still abundant need for care and for prudent measures of conservation in the interest of all. . . . It is not difficult to believe that the margin of safety is a narrow one, if it be not already in some measure overstepped. We may hope for a perpetuation of the present numbers; we cannot count upon an increase. And it is my earnest hope that a recognition of mutual interests and a regard for the common advantage may suggest measures of prudence which shall keep the pursuit and slaughter of the animal within due and definite bounds."

In view of such explicit language it is not easy to understand how Lord Salisbury can reconcile his refusal to entertain the proposals of the President with the interests of his own countrymen, to say nothing of the friendly relations which he desires to maintain with the United States, Russia, and Japan.

The experience had with the scientific Commissions of 1892, as well as the Reports of 1896 just under review, shows that it is difficult through them to reach a harmony of views; but we have at hand certain statistics of undisputed authority pointing unmistakably to conclusions which should be controlling.

The operations of the pelagic fleet in Behring Sea since the Paris Regulations had been in force, are as follows:—

1894—37 vessels, 31,585 seals taken, or an average of 853 per vessel.

1895—59 vessels, 44,169 seals taken, or an average of 748 per vessel.

1896—67 vessels, 29,500 seals taken, or an average of 440 per vessel.

It thus appears that nearly double the number of vessels in 1896 were not able to take as many seals as were taken in 1894, and the catch per vessel fell off nearly one-half. Lord Salisbury attributes

this large falling-off in Behring Sea "to the stormy weather prevailing," but does not cite his authority. I am not aware of any published report to that effect. Captain Hooper, who commanded the American cruising fleet in Behring Sea in 1895 and 1896, reports:—

"The weather in Behring Sea was not materially different in the past two years. Conditions admitted of boarding operations by the fleet twenty-five days in 1895 and twenty-four days in 1896."

An examination and comparison of the logs of sealing-vessels for 1895 and 1896 confirm Captain Hooper's report. The above figures, with the statistics contained in my note of the 9th ultimo to the British Ambassador, make it very clear that the seal herd is becoming rapidly depleted, and that "the margin of safety," as Professor Thompson expresses it, has been "already overstepped." It is to be inferred that "the margin of safety" is intended to signify the point at which pelagic sealing ceases to be profitable. He cannot have had in mind biological extermination, for that point could not have been reached so long as a single bull and harem existed. The point when sealing ceased to be profitable seems to have been reached during last year. A Table appended to his Report shows that the total product of the pelagic catch of 1896 in the London market was about half the amount of that of 1895, and Lord Salisbury informs us that this result has "brought many owners of the sealing-vessels to the verge of bankruptcy." It thus appears that the condition of things predicted by the Government of the United States, as quoted below, has already come to pass—the commercial extermination of the seals. If pelagic sealing continues to be tolerated, a limited number of vessels will carry on the indiscriminate slaughter, in the hope, by a favourable cruise, of recouping the losses of the previous year, and the rookeries on the islands will be still further depleted. But the biological existence of the fur-seal may still be continued, and Her Majesty's Ambassador may repeat the declaration, so often made during the past two years, and there is "no reason to fear that the seal herd is threatened with early extermination."

In this connection it may not be unprofitable to recall the action of the two Governments respecting the efforts made to revise the Regulations adopted at Paris. The expressed object of the Paris Arbitration was "the preservation of the fur-seals," and the Regulations adopted by the Tribunal were framed with a view to "the proper protection and preservation of the fur-seal resorting to Behring Sea." On the 23rd January, 1895, Secretary Gresham addressed a note to the British Ambassador, stating that the first year's experience had "convinced the President that the Regulations enacted by the Paris Tribunal have not operated to protect the seal herd from the destruction which they were designed to prevent," and

he asked that a Commission of scientists and experts be appointed by the Governments of the United States, Great Britain, Russia, and Japan to report upon the proper measures to be adopted, and pending the deliberations of the Governments a *modus vivendi* be agreed upon suspending sealing in Behring Sea. Nearly four months elapsed without an answer from the British Government, when, on the 14th (? 10th) May, 1895, a second note was sent, reiterating the President's solicitude, urging a reply, and predicting that unless some further restrictions were adopted the seals would "be exterminated for all commercial purposes within a very few years." On the 27th May the British answer was received, in which it was complacently stated "that the condition of affairs is not of so urgent a character as the President has been led to believe," and that there was no "such urgent danger of total extinction of the seals as to call for a departure from the Arbitral Award by which the two nations have solemnly bound themselves to abide."

Secretary Olney, 24th June, 1895, by direction of the President renewed the proposition in different terms, but the British Government repeated its declination to make "any extension of the Regulations solemnly laid down by an International Board of Arbitration."

After the second year's experience of the Regulations, Secretary Olney, 11th March, 1896, called the attention of the British Ambassador to the catch of 1895 in Behring Sea (the largest ever made in that sea), and expressed the hope that the British Government would realize "the absolute necessity of consenting for the coming season to some further Regulation . . . to the end that the valuable herd be saved from total extinction." On the 27th April Sir Julian Pauncefote replied that Her Majesty's Government saw no reason to believe the catch in Behring Sea was "so large as to threaten early extermination," and that there was no "necessity for the immediate imposition of increased restrictions."

This correspondence is recalled to show that, from the first year the Paris Regulations were put in force, each succeeding President and Secretary of State has been firmly convinced that they were inadequate for the purpose for which they were adopted, and that the British Government has just as firmly resisted all overtures for even a conference of the Governments concerned for the purpose of considering whether further regulations were required to protect the seals, and has rested its refusal upon "the Arbitral Award by which the two nations have solemnly bound themselves to abide."

In view of this attitude of the British Government, I deem it opportune to make an examination (even at the risk of being some-

what tedious) into the manner in which it has responded to the action of the Paris Tribunal, and to what extent and in what spirit it has observed the decision and recommendations of that Tribunal.

A perusal of the Protocols of that Tribunal will show that the preparation of the Regulations was intrusted to the three Arbitrators nominated by the neutral Governments, and when their unanimous Report was presented it was provided in Article II that the Regulations should be applied to all the waters of the Pacific Ocean and Behring Sea north of the 35th degree of north latitude, thereby including all the waters east of Japanese and Russian territory. Lord Hannen, the British Arbitrator, objected to this provision, and moved an amendment limiting the area to all that part of the ocean and sea east of the 180th meridian. Baron Courcel, President of the Tribunal, stated on behalf of the neutral Arbitrators that, in framing Article II, "they had acted out of regard for Russia and Japan, Powers not represented before the Tribunal of Arbitration, and towards the waters of whom it appeared not equitable to drive back the English and American pelagic sealers during the whole time of the close season." But he acquiesced in Lord Hannen's amendment, and it was adopted. (Protocol LIV.) It is plain from the proceedings that the Tribunal regarded the extension of the Regulations to the Asiatic waters as a matter of justice to Russia and Japan, and they would have been so extended if those Powers had been parties to the arbitration.

When, in accordance with Article VII of the Treaty of 1892, the Russian and Japanese Governments were approached with a view to securing their adhesion to the Regulations, they both replied they could only do so on their extension to the Asiatic waters. Secretary Gresham reports that as early as October, 1893, he verbally brought this attitude of the subject to the attention of the British Ambassador, who recognized the force of the position assumed, and said the situation seemed to suggest the propriety of a Treaty between the four Powers "for the preservation, for their common benefit, of the fur-seals between the two continents and north of the 35th degree of north latitude."

Mr. Bayard was instructed, 27th October and 20th November, 1893, to seek to bring about such an arrangement or Treaty; 23rd January, 1894, Mr. Gresham brought the subject to the attention of the British Ambassador, and on the 2nd May, no answer being received, the proposition was again urged. Secretary Olney brought the subject again to the attention of the British Government in a note dated the 24th June, 1895, the proposition being presented in a new form; and on the 19th August a general negative reply was made to Mr. Olney's note.

Under date of the 2nd April, 1896, Secretary Olney informed Mr. Bayard that the Russian Government was about to initiate negotiations at London for the extension of the Paris Regulation over the Asiatic waters, and at the request of the Government Mr. Bayard was instructed to co-operate in such negotiations. Mr. Bayard at once put himself in communication with the Russian Ambassador; but on the 14th May he was informed by Lord Salisbury that Her Majesty's Government had decided to dispatch a naturalist to the Russian seal islands, and that, pending the receipt of his Report, his Government would not enter upon negotiations. The British naturalist returned to London in October, 1896, but up to this date his Lordship has given no indication of a desire or intention to open the negotiations. In fact, the despatch to which I now reply rejects the proposition of the President for a similar Conference or negotiation. The effect of Lord Hannen's amendment of Article II of the Regulations has been to bring about the state of affairs which the neutral Arbitrators desired to avoid—*in* wit, to transfer the sealing-vessels to the Asiatic waters during the closed season in the American waters, which they expected would be prevented by negotiations between the interested Governments. Such negotiations Great Britain has steadily omitted and declined to enter upon.

Again, the Arbitrators appended to their decision or Award a series of Declarations, not binding upon the contracting Governments, but which were recommended for their adoption. The American Arbitrators at once accepted the Declarations, but Lord Hannen hesitated to accept the second paragraph, which is as follows:—

“In view of the critical condition to which it appears certain that the race of fur-seals is now reduced in consequence of circumstances not fully known, the Arbitrators think fit to recommend both Governments to come to an understanding in order to prohibit any killing of fur-seals, either on land or sea, for a period of two or three years, or at least one year, subject to such exceptions as the two Governments might think proper to admit of.

“Such a measure might be recurring at occasional intervals if found beneficial.”

Lord Hannen declared that, “although approving the spirit in which it (the second paragraph) is conceived, and although regarding as very desirable that the destruction of the fur-seals might be entirely suspended during a certain period of time, so as to enable nature to retrieve the losses which this race of animals has undergone, he does not feel authorized by the terms of his mandate to express an opinion on the subject;” and the Canadian Arbitrator concurred with his British colleague. (Protocol LIV.)

Immediately after the receipt of the official copy of the Award and Declarations, the 12th September, 1893, Secretary Gresham cabled instructions to Mr. Bayard to ask the concurrence of Great Britain in the enforcement of the second Declaration. Mr. Bayard reported, the 13th September, that he had made known his instructions to the British Government. No answer having been received on this point, Secretary Gresham repeated the offer to Sir Julian Pauncefote, the 24th January, 1894. I do not find that response to his proposition was ever made. The wisdom of the recommendation is abundantly proved by the experience of the past three years, and it strongly supports the repeated applications which have been made by the Government of the United States for a *modus* suspending all killing of the seals until a Conference could be had to readjust the Paris Regulations.

The indifference with which the British Government treated the repeated appeals of this Government for prompt action towards the adoption of measures to enforce the Regulations "solely laid down by an International Board of Arbitration," illustrates the measure of respect entertained for that august Tribunal. On the 12th September, 1893, within a month after the Award had been rendered, Secretary Gresham instructed Mr. Bayard by cable (cited above) to inform the British Government of the desire of the Government of the United States to take up without delay the subject of the enforcement of the Regulations, so as to make them effective before the next sealing season. This notice was given to the British Foreign Office on the 13th September, more than three months before the opening of the sealing season. No progress having been made, the 17th November, Secretary Gresham cabled Mr. Bayard that the President was anxious that an agreement on this subject should speedily be reached. On the 4th December, Secretary Gresham consented, at the desire of the British Government, that the negotiations might be transferred to Washington; but he gave notice to Lord Rosebery that "the rapidly shortening interval before the next season will commence admonishes both Governments to expedite the negotiations." On the 24th January, 1894, the Secretary addressed an urgent note to the British Ambassador, complaining that nothing had yet been accomplished, and the time lost had brought them "to the opening of another sealing season without any definite steps having been taken for the execution of the Paris Award." A month later, the 22nd February, the Secretary cabled Mr. Bayard that, in answer to his repeated inquiries, the British Ambassador informed him he was still without instructions, and he was directed to say "this long delay is difficult to understand, and it is the President's desire that you represent the matter impressively to Her Majesty's Government. On the

17th March Secretary Gresham sent another urgent cablegram to Mr. Bayard, complaining of still further delay, for which "the Government is not responsible," and which was threatening to "become embarrassing for both Governments." The negotiations were not entered upon until six months after they were invited by the United States; the British Act (the 23rd April, 1894) to enforce the Regulations was not passed until four months after the sealing season had opened, and the final Order in Council (the 27th June, 1894) on the subject was not issued until six months after the sealing fleet had put to sea in disregard of the Award of the Tribunal.

The manner in which the British Government has discharged its police duties under the Award is in marked contrast with its appeal for a strict observance of the five years' period of the Regulations. An equal obligation rests upon each Government to patrol the waters embraced in the Award area, in order to see that the Regulations are not violated by the sealing-vessels. In 1894, the Government of the United States furnished twelve vessels for the patrolling fleet at great expense, and only one vessel was furnished by the British Government. In 1895, five United States' vessels patrolled the Award area and only two British vessels, one for a short time only in Behring Sea, and the other took no part whatever in the patrol, as its presence was almost constantly required in Unalakleet Harbour to take over the British sealing-vessels seized in Behring Sea. Owing to the repeated complaints of the Government of the United States as to the inadequacy of the British patrol, an additional cruiser was ordered into Behring Sea during the season of 1896, although it was stated by the British Government that, "so far as they have been able to judge, the force employed up to the present time has been sufficient." As it is shown that practically no patrol service has been rendered in Behring Sea by the British cruisers during the previous year, the inference from this language would seem to be that Her Majesty's Government understood that the American cruisers only were to perform the patrol duty, and the British cruiser to take over and act upon the validity of seizure of British vessels.

The detailed enforcement of the Regulations has further developed on the part of the British Government a strange misconception of the true spirit and intent of the Arbitrators. Under Article 6 of the Regulations the use of fire-arms in Behring Sea was prohibited, and to enforce that prohibition it was agreed between the two Governments for the year 1894 that sealing-vessels might have their arms and ammunition placed under seal. But on the 11th May, 1895, although this Government had every reason to believe from the Order in Council that the British Government had given

in concurrence to the arrangement, the British Ambassador gave notice that his Government would not renew the arrangement as to the sealing of arms for the coming season, and defended its action on the ground that the possession of arms, &c., by a sealing-vessel was "not forbidden by the Award Regulations."

This tardy action of the British Government in refusing to renew the arrangement of 1894 led to much trouble and inconvenience in connection with the patrol of Behring Sea. The British Government made grievous complaint against the severe measures of search resorted to by the American cruisers, which gave rise to a lengthy correspondence. On the 2nd July, 1896, Secretary Olney submitted a proposition to put an end to the controversy by an examination of vessels entering Behring Sea, and an inspection by a Representative of the United States at British Columbian ports of all skins taken in Behring Sea, to discover whether or not fire-arms were used; but this proposition was not accepted. A further attempt was made by Secretary Olney to procure some agreement for the season of 1897, when it was urged that American vessels frequenting Behring Sea were required to have their arms sealed, and on returning to their home ports their skins were carefully inspected, while Her Majesty's Government refuses to enforce the provisions as to arms, and declines the inspection of skins—measures which this Government regards as "absolutely essential for preventing the unlawful destruction of seals." Nevertheless, another season has been entered upon without any settlement of this vexed question.

In this connection, I recall the serious defect, pointed out in the correspondence, in the British Act for the enforcement of the Regulations. Under the British Act passed to carry out the *modus vivendi* of 1891, whereby all killing of seals was prohibited in Behring Sea, it was provided that the presumption of guilt would lie against the vessel "having on board fishing or shooting implements or seal-skins." A provision of a kindred nature was inserted in the British Act for the enforcement of the Russian *modus* of 1893. The Act of Congress of 1894 to enforce the Regulations of the Paris Award contained a similar provision; but the British Act of 1894 for the same purpose contained no provision whatever as to presumptive guilt respecting the possession of fire-arms or skins at forbidden times or in forbidden waters. And to emphasize its purpose in the matter, when the British Act to enforce the Russian Agreement was re-enacted in 1895, the provisions of the Act of 1893 as to presumptive illegality was omitted. This action of the British Government was made the subject of an earnest protest on the part of my predecessor, but to no purpose. The practical effect is to make it impossible in many cases to convict British sealing-

vessels, although there may be the strongest presumptive evidence of guilt, evidence which, under the Act of Congress, would in many cases procure the conviction of an American sealing-vessel.

I shall only cite one further instance of the failure and refusal of the British Government to give full effect to the Paris Regulations. Article 5 provided that the vessels engaged in sealing should enter daily in their official log-books the number and sex of the seals taken, and that these entries should be communicated by each Government to the other at the end of each season. This Regulation was prescribed in order to procure reliable statistics as to the proportion of female seals killed, but it was found to be unsatisfactory and imperfect in its practical operation. The catch of American vessels was subjected to an official inspection at the home port, and it was found that they reported a much greater proportion of female seals taken than the British sealers. Although in many instances the British sealers were close to the American sealers, yet the American sealers reported from two to five times as many females as males, a result entirely at variance with the British Returns. This state of facts led the Acting Secretary of State, the 10th May, 1895, to request of the British Government their consent to the stationing of United States' inspectors at British Columbia ports for the purpose of verifying the log entries of British sealing-vessels, with the offer of a reciprocal privilege in American ports to British inspectors. No answer having been received on the 13th September, and, again on the 18th September, the request made in the previous May was renewed. On the 24th September the British Ambassador replied that the request for inspectors was not acceptable to Her Majesty's Government, "on the ground that the matter is already provided for by the Award Regulations, the sealers being bound themselves to keep a record of sex."

The measure was regarded by this Government as so important that on the 15th December, 1896, Secretary Olney recalled it to the attention of the British Ambassador, in connection with the sealing of arms. The answer of the British Government to this second application was that "the compulsory examination by experts of skins on landing at British ports would require legislation in Canada," and that the views of the Canadian Government would have to be ascertained. In answer to the inquiry of Secretary Olney on the 23rd January, 1897, as to when the Canadian Government was likely to take action, the Ambassador replied on the 24th March that Her Majesty's Government were "still in correspondence with the Canadian Government," and that a further communication would be made as soon as possible. No further communication has been made.

I regret that this statement has become so lengthy; but in view

of the fact that the British Government, when pressed for a remedy of well-established defects in the Regulations or the Acts and Rules agreed upon for their enforcement, has appealed to "the Arbitral Award which the two nations have solemnly bound themselves to abide." I have felt the present occasion opportune to make a review of the events which have transpired since that Award was rendered, and to challenge a comparison of the conduct of the two Governments with regard to the final action of the International Tribunal of Arbitration. In no respect has the United States' Government failed to observe the exact terms of the Award or to accept its recommendations in their true spirit and full effect, even though they have entailed heavy expense and caused great damage to long-established interests of this nation.

On the other hand, I think I have shown that the British Government has from the beginning, and continuously, failed to respect the real intent and spirit of the Tribunal or the obligations imposed by it. This is shown by the refusal to extend the Regulations to the Asiatic waters; by the failure to put in operation the recommendations for a suspension of the killing of the seals for three, for two, or even for one year; by the neglect to put the Regulations in force until long after the first sealing had been entered on; by the almost total evasion of the patrol duty; by the opposition to suitable measures for the enforcement of the prohibition against fire-arms; by the omission to enact legislation necessary to secure conviction of the guilty; and by the refusal to allow or provide for an inspection of skins in the interest of an honest observance of the Regulations.

The obligations of an International Award, which are equally imposed on both parties to its terms, cannot properly be assumed or laid aside by one of the parties only at its pleasure. Such an Award, which in its practical operation is binding only on one party in its obligations and burdens, and to be enjoyed mainly by the other party in its benefits, is an Award which, in the interest of public morality and good conscience, should not be maintained. Having in view the expressed object of the Arbitration at Paris and the declared purpose of the Arbitrators in prescribing the Regulations, when it became apparent, as it did after the first year's operation of them, and with increased emphasis each succeeding year, that the Regulations were inadequate for the purpose, it was the plain duty of the British Government to acquiesce in the request of that of the United States for a Conference to determine what further measures were necessary to secure the end had in view by the Arbitration.

A course so persistently followed for the past three years has practically accomplished the commercial extermination of the fur-

seals and brought to nought the patient labours and well-merited conclusions of the Tribunal of Arbitration. Upon Great Britain must therefore rest, in the public conscience of mankind, the responsibility for the embarrassment in the relations of the two nations which must result from such conduct. One of the results is already indicated in the growing conviction of our people that the refusal of the British Government to carry out the recommendations of that Tribunal will needlessly sacrifice an important interest of the United States. This is shown by the proposition seriously made in Congress to abandon negotiations and destroy the seals on the islands as the speedy end to a dangerous controversy, although such a measure has not been entertained by this Department. We have felt assured that as it has been demonstrated that the practice of pelagic sealing, if continued, will not only bring itself to an end, but will work the destruction of a great interest of a friendly nation, Her Majesty's Government would desist from an act so suicidal and so unneighbourly, and which certainly could not command the approval of its own people.

The President therefore cherishes the hope that, even at this late day, the British Government may yet yield to his continued desire, so often expressed, for a Conference of the interested Powers; and, in delivering to Lord Salisbury a copy of this instruction, you will state to him that the President will hail with great satisfaction any indication on the part of Her Majesty's Government of a disposition to agree upon such a Conference.

Respectfully yours,

John Hay, Esq.

JOHN SHERMAN.

No. 99.—Sir J. Pauncefoot to the Marquess of Salisbury.—(Received June 21.)

MY LORD,

Washington, June 9, 1897.

I HAVE the honour to report that, upon receipt of your Lordship's despatch of the 1st ultimo, I addressed a note to the United States' Secretary of State in the sense of your Lordship's instructions as to the sealing-up of arms and the inspection of skins landed at Victoria from British sealing-vessels engaged in the Behring Sea (copy inclosed).

I have now received a reply from Mr. Sherman, dated the 7th instant (copy inclosed), together with the Rules and Regulations prescribed for the fishery season 1897, under Act of Congress of the 6th April, 1894. As your Lordship will observe, Mr. Sherman, instead of accepting the proposal of Her Majesty's Government, states that the "United States' Government consents that"

these Rules and Regulations for the government of United States' vessels employed in fur-seal fishing in 1897 "shall be extended for the remainder of the present season to British sealing-vessels," and that he is prepared, with my assent, to make the necessary changes therein to adapt them to British vessels.

In acknowledging the receipt of this note, I stated that I would forward it to your Lordship for the consideration of Her Majesty's Government, but I thought it right to point out that the Regulations which govern British vessels in the prosecution of the fur-seal fishery can only be prescribed by British law, and that any extension or alteration of them would require the sanction of a further Order of Her Majesty in Council. I also pressed him to inform me whether the proposal of Her Majesty's Government as to a renewal of the arrangement of 1894 respecting the sealing-up of arms, which requires no further legislation, is acceptable to his Government.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE.

(Inclosure 1.)—*Sir J. Pauncefote to Mr. Sherman.*

SIR,

Washington, May 18, 1897.

I HAD the honour of informing you verbally on the 3rd instant, under telegraphic instructions from Her Majesty's Principal Secretary of State, that Her Majesty's Government are prepared to agree to the renewal of the arrangement made in 1894 for the sealing-up by a duly authorized officer, on the application of the master, of the arms on board a vessel proceeding to the fishery in Behring Sea or returning to port during the close season, but that the Canadian Government found themselves unable to concur in the suggestion that the skins landed from the British sealing fleet should be examined at the port of destination by American experts. The proposals of the United States' Government in regard to both these points were contained in your predecessor's note to me of the 15th December, 1896.

I am now in receipt of a despatch from the Marquess of Salisbury stating the grounds on which this decision was arrived at. As regards the proposed inspection of skins the Canadian Government are convinced that, even were it possible to establish that any punctures which might be found in the seal-skins were the result of gun-shot wounds, and that they could be readily distinguished from those made by spears, it would still be impossible to prove that the animal from which the pelt was taken had been killed by means of fire-arms.

It is a matter, it is said, of common knowledge that the skins of a large number of seals killed by spears contain shot-wounds, so that

no weight can be attached to any argument derived from these wounds as to the manner whereby the ultimate capture of the seal was effected. There is no means of proving that these shot-wounds were not received during the migration of the seals outside Behring Sea, where the use of fire-arms is not prohibited, or that they may not have been inflicted by the crew of a vessel other than the one by which the seal was eventually secured by the spear. Moreover, sealers knowing that an examination such as that suggested awaited them at their destination could readily add a spear-wound to the skin had the seal been shot, thus effectually destroying the utility of any such test.

The case of the *Kate* is referred to by the Canadian authorities as illustrating the force of the above remarks. As you are aware, this vessel was seized last season because certain skins were found on board believed to have shot-holes in them, though it was afterwards found that the vessel had no fire-arms whatever on board.

The Canadian Government are further of opinion that an examination of the salted skins when landed at the home ports would prove of little use in establishing the sex of the seals killed. They state that when the United States' Treasury Circular, which is referred to in Mr. Olney's note, first came into their possession, the matter was exhaustively considered, and the conclusion reached that the tests therein indicated were wholly ineffective for determining the question of sex.

I have, &c.,

J. Sherman, Esq.

JULIAN PAUNCEFOTE

(Inclosure 2.)—*Mr. Sherman to Sir J. Pauncefote.*

EXCELLENCY, *Department of State, Washington, June 7, 1897.*

I HAVE the honour to acknowledge the receipt of your note of the 18th ultimo, stating that the British Government was prepared to agree to a renewal of the arrangement made in 1894 for the sealing-up by a duly authorized officer, on the application of the master, of the arms on board the British sealing-vessels engaged in killing seals in Behring Sea during the present season, or upon such vessels when proceeding to port during the closed season.

In reply, I desire to say that the Government of the United States consents that the provisions of the Rules and Regulations prescribed by the President under the Act of Congress, approved the 6th April, 1894, for the Government of the United States' vessels employed in fur-seal fishing during the season of 1897, shall be extended for the remainder of the present season to British sealing-vessels.

Although Article 8 of the said Regulations is not applicable to British sealing-vessels, I respectfully suggest that Her Majesty's

Government be asked to require of said vessels the information under oath called for by Form Catalogue No. 204, copies of which I take pleasure in inclosing.

In case you are authorized to accept the terms of the Regulations of 1897, copy of which I also inclose, I shall be glad to cause the slight changes that it will be necessary to make to the end that the Regulations may be adapted to British sealing-vessels.

Asking that the matter may be given immediate attention, and that I be advised of the conclusion reached, so that no unnecessary delay shall arise in arriving at an understanding alike desirable to both Governments, I have, &c.,

Sir J. Pauncefote.

JOHN SHERMAN.

(Inclosure 3.)—Form Catalogue No. 204 for Report of Catch of Fur-seals.

(Inclosure 4.)—Regulations governing Vessels employed in Fur-seal Fishing and Sea-Otter Hunting during the Season of 1897.

Rules and Regulations prescribed under the Provisions of the Act of Congress, approved April 6, 1894, for the Government of United States' Vessels employed in Fur-seal Fishing during the Season of 1897.

ART. 1. Every vessel employed in fur-seal fishing shall have, in addition to the papers now required by law, a special licence for fur-seal fishing.

2. Before the issuance of the special licence required by the 4th Article of the Award of the Tribunal of Arbitration, the master of any sailing-vessel proposing to engage in the fur-seal fishery shall produce satisfactory evidence to the officer to whom application is made, that the hunters employed by him are competent to use with sufficient skill the weapons by means of which this fishing may be carried on.

3. Every sealing-vessel provided with special licence shall show under her national ensign a flag not less than 4 feet square, composed of two pieces, yellow and black, joined from the right-hand upper corner of the fly to the left-hand lower corner of the luff, the part above and to the left to be black, and the part to the right and below to be yellow. Between the hours of sunset and sunrise all sealing-vessels shall exhibit two vertical lights, natural colour, where they can best be seen, not less than 10 feet above the deck, and to be visible in clear weather at least 1 mile.

4. In order to protect from unnecessary interference sealing-vessels found within the area of the Award during the closed season (that is to say between the 30th April and the 1st August), but which have not yet violated the law, any sealing-vessel intending to traverse the area of the Award during said closed season, on her way to her home or other port, or to or from the sealing-grounds, or for any other legitimate purpose, may, on the application of the master, have her sealing outfit, including guns and ammunition, secured under seal, and an entry thereof made on the log-book. Such sealing-up and entry shall be a protection to the vessel against seizure during the closed season by any cruiser, so long as the seals so affixed shall remain unbroken, unless there shall be evidence of violation of the Articles of the Award and said Act of Congress of the 6th April, 1894, notwithstanding.

5. Such sealing-up and entry may be effected in port or at sea by any naval, Consular, or Customs officer of the United States, and at sea also by the Commander of a British cruiser. An officer will be stationed at the Island of Attu for this purpose from the 1st July to the 25th August.

The officer effecting the sealing-up shall make entry in the vessel's log-book certifying the fact and stating in detail the number and kind of guns and other sealing implements, the amount and kind of ammunition, and the number and sex of the seals and seal-skins on board.

6. All sailing-vessels bound to Behring Sea for the fur-seal fisheries shall, before engaging in fur-seal fishing within the Award area in said sea, report to the officer of the Revenue-cutter Service stationed at Attu Island, or to the Deputy-Collector of Customs at Unalaska.

The said officers shall respectively secure under seal the guns and ammunition on board all vessels thus reporting, which have not already been so secured under the provisions of Article 4 of these Rules and Regulations, and shall in either event make the entry thereof on the log-book of said vessel, stating in detail the number and kind of guns and other sealing implements, the amount and kind of ammunition, and the number and sex of the seals and seal-skins on board. Such sealing-up shall afford the same protection as is provided under said Article 4. In lieu of said sealing-up the master of any vessel so reporting may deliver all guns and ammunition on board to the Customs or Revenue officers, respectively, in charge of said islands, said guns and ammunition to be held at the sole risk of said master until called for at the end of the sealing season.

7. Any sailing-vessel of the United States may obtain special licence for fur-seal fishing upon application to the Chief Officer of the Customs in any port of the United States or to the United

States' Consular officer of any port in Japan, and complying with the requirements of these Regulations.

8. The masters of all vessels which have been engaged in the fur-seal fisheries, whether within or without the Award area, whether licensed or unlicensed, shall make entry of their catch at the custom-house at the return port, and at the time of entry shall file with the Collector, duly verified by oath, the official log-book, or a copy thereof, required to be kept by section 4, Act of 6th April, 1894, and in addition thereto must furnish under oath, the information required by the Form Catalogue No. 204, which form shall be duly filled out and filed on entry. Copies of this form and of the log-book required by said Act may be obtained from the Collector of Customs.

9. The foregoing Regulations are intended to apply only to the season of 1897.

Approved :

GROVER CLEVELAND

(Inclosure 5).—*Sir J. Pavncofote to Mr. Sherman.*

SIR,

Washington, June 9, 1897.

I HAVE the honour to acknowledge the receipt of your note of the 7th instant in reply to mine of the 18th ultimo, in which I informed you that Her Majesty's Government were prepared to agree to a renewal for the season 1897 of the arrangement made in 1894 relating to the sealing-up of arms, &c., with a view to the protection from unnecessary interference of sealing-vessels proceeding to the fishery in Behring Sea, or returning to port during the close season.

You now inform me that the United States' Government consent to extend to British vessels the Regulations prescribed by the President under an Act of Congress for United States' vessels during the fishery season 1897 (a copy of which you inclose), and you inquire whether I am authorized to accept the terms of those Regulations, in which case certain changes would be made in them so as to adapt them to British vessels.

I have the honour to state, in reply, that I have no authority to agree to the application of those Regulations to British sealing-vessels. The latter are governed by Regulations of a similar character, prescribed under powers derived from a British Act of Parliament, and any extension or alteration of them imposing any new restrictions or obligations would require the sanction of a further British Order in Council.

The Arrangement of 1894 as to the sealing-up of arms being of

an entirely voluntary character required no legislation, and it can be renewed for the present season merely by instructions to the naval or other officials charged to carry it out. I should be much obliged if you would be good enough to inform me whether the proposal on the subject conveyed to you in my note of the 18th ultimo is agreeable to your Government.

In the meanwhile, I shall not fail to transmit your note, now under reply, to the Marquess of Salisbury, for the consideration of Her Majesty's Government.

I have, &c.,

J. Sherman, Esq.

JULIAN PAUNCEFOTE.

No. 100.—Sir J. Pauncefote to the Marquess of Salisbury.—(Received July 1.)

MY LORD,

Washington, June 20, 1897.

IN my despatch of the 9th instant I transmitted to your Lordship copies of recent correspondence exchanged between the United States' Department of State and Her Majesty's Embassy respecting the proposal of Her Majesty's Government to renew for the fur-seal fishery season, 1897, the Agreement of 1894 as to the sealing-up of arms.

In reply to my note of the 9th instant (Inclosure 5 in my despatch of that date) Mr. Sherman addressed me a note, dated the 18th instant, copy of which I inclose herewith.

As your Lordship will observe, Mr. Sherman omits to reply in this note to the inquiry whether the proposal for the renewal of the Agreement of 1894 is agreeable to the United States' Government, and makes a counter-proposal in the following terms:—

“The United States' Government is willing to give to British vessels the benefit of Articles 4, 5, and 6 of the Regulations controlling American sealing-vessels for the season of 1897, and it will accordingly so instruct its naval officers, should your Government” (Her Majesty's Government) “intimate its desire to this effect, at the same time informing said officers that the fact of sealing-up fire-arms shall afford to British vessels the same protection and immunity against seizure after search as is now afforded American vessels.”

I have this day replied to Mr. Sherman, stating that I am not authorized to deal with this counter-proposal otherwise than by transmitting it to your Lordship. I inclose copy of my note of this day's date.

I have, &c.,

The Marquess of Salisbury.

JULIAN PAUNCEFOTE.

(*Inclosure 1.*)—*Mr. Sherman to Sir J. Pauncefote.*

EXCELLENCY, *Department of State, Washington, June 18, 1897.*

I HAVE the honour to acknowledge the receipt of your note of the 9th instant in reply to mine of the 7th, in which you state that British sealing-vessels are now subject to Regulations prescribed under Acts of Parliament, and that any extensions or alterations imposing any new restrictions would require a further Order in Council to bear any force or validity. You further state that the Regulations prescribed for American sealing-vessels for the season 1897, go beyond the scope of the so-called Arrangement of 1894, and, therefore, in the absence of a new Order in Council, you are not empowered to agree upon said Regulations. You conclude by stating that the Arrangement of 1894 was of a largely voluntary nature, and you ask whether your proposition to agree to a renewal of such Arrangement is acceptable to my Government.

I have the honour to reply that I am well informed that the Regulations for 1897, now applicable to American sealing-vessels, contain much that is beyond the scope of the Agreement of 1894, which was merely of a temporary and provisional nature, the same being prepared hastily during the early part of May 1894 after the sealing fleet had put to sea. It is evident, therefore, that to accept the said Regulations of 1897 a new Order in Council will be necessary; but I had no reason to assume that your Government would not be willing to enact a proper Order in Council to bring about this result.

The provisions of the Arrangement of 1894, as I have stated, were merely of a temporary or provisional nature. Experience has shown the necessity of further and more stringent Regulations properly to carry out the true intent and purpose of the Paris Award. For example, there were no provisions in the Arrangement of 1894 as to lights on sealing-vessels at night, nor as to the storing of arms, nor as to the sworn Returns required of American vessels, nor was there anything contained in said Arrangement as to the inspection of seal-skins landed in ports of the United States or Great Britain. The latter safeguard—the inspection of skins by pelagic inspectors—the United States regards of the utmost importance.

Even with all these precautions, however, American sealing-vessels undergo rigid search when met at sea by American cruisers. If, on examination, all fire-arms found on board are sealed, this fact constitutes evidence that they have not been used since the sealing-up for illegal purposes, and may save the vessel from seizure in those cases where skins are found on board with some evidence of having been shot.

It is not unnatural that both Governments should desire that the

inevitable annoyance caused by the searching of vessels should be reduced to a minimum.

My predecessor, on the 2nd July, 1896, made certain suggestions which would certainly have reduced to a minimum this annoyance at least as regards vessels clearing direct from Victoria for Behring Sea. His suggestions were: First, that all British sealing-vessels before entering Behring Sea should be searched at Unalaska by United States' revenue officers, and the fact that they have on board no fire-arms should be duly certified to; secondly, that all skins landed by said vessels should be examined by expert inspectors at the home port, to discover whether any had been shot. The reply of your Government, communicated by Lord Gough, on the 21st September, 1896, was substantially to the effect that unless said preliminary search and certificate should absolutely exempt British vessels from further search by American cruisers, the proposition could not be entertained. Your Government also declined to authorize the examination of skins landed in British ports by pelagic inspectors on the ground, among others, as stated in your note dated the 18th May, that such examination was not of practical value.

Although the British Government may not consider such an inspection of value, it is to be regretted that it could not have consented to such an inspection in view of the fact that the United States' Government, advised by eminent experts, deemed it of great value, and was willing to make certain arrangements, based in part upon such examination, which would, as stated above, reduce to a minimum the inevitable annoyance resulting from a search by our cruising vessels.

I regret that the views of the right of search expressed by my predecessor in his note to you of the 15th December, 1896, are not agreeable to your Government. I feel constrained to state that this Government regards this right as indispensable to a proper execution of the intent and spirit of the Paris Award. The fact that fire-arms are sealed up has not in practice released American sealing-vessels from most rigid search whenever fallen in with by an American cruiser, nor should any different result follow in the case of a British sealing-vessel.

In view of the fact, however, that said sealing-up may be regarded after times as a most important piece of evidence to prove that the vessel has not used, illegally, fire-arms in Behring Sea, and that said sealing-up may relieve the patrolling vessels of much extra trouble, this Government is willing to give to British vessels the benefit of Articles 4, 5, and 6 of the Regulations controlling American sealing-vessels for the season of 1897, and it will accordingly so instruct its naval officers, should your Government intimate its desire to this effect; at the same time informing said

officers that the fact of sealing-up fire-arms shall afford to British vessels the same protection and immunity against seizure after search as is now afforded American vessels.

I would respectfully suggest an answer to this suggestion at your earliest convenience, in order that proper instructions may be speedily prepared to the officers of the patrolling fleet.

I have, &c.,

Sir J. Pauncefote.

JOHN SHERMAN.

(Inclosure 2.)—Sir J. Pauncefote to Mr. Sherman.

SIR,

Washington, June 20, 1897.

I HAVE the honour to acknowledge the receipt of your note of the 18th instant, in answer to mine of the 9th, in which I had the honour to inquire whether the proposal of Her Majesty's Government to renew for the fur-seal fishery season, 1897, the Agreement of 1894 as to the sealing-up of arms is agreeable to your Government.

In reply to that inquiry, you state that your Government "is willing to give to British vessels the benefit of Articles 4, 5, and 6, of the Regulations controlling American sealing-vessels for the season of 1897."

I would beg leave to point out that the above reply hardly answers the inquiry of my Government. The Arrangement of 1894 was a reciprocal one for the mutual benefit of the sealing-vessels of both nations. Its discontinuance, at the desire of the Canadian sealers, has been deprecated ever since by your Government, at whose instance, therefore, it may be said, it is now proposed to renew it.

The precise terms of the Arrangement were settled by the then Secretary of the Treasury (the Honourable J. Carlisle) and myself, and are to be found recorded in my note to the late Mr. Secretary Gresham of the 10th May, 1894.

If your Government should be disposed to renew that Arrangement, as proposed by my Government, for the season 1897, there will be no difficulty in extending its benefits reciprocally to the sealing-vessels of both nations. But your counter-proposal "to extend to British vessels the benefit of Articles 4, 5, and 6 of the Regulations controlling American sealing-vessels for the season 1897," is not one which I am authorized to deal with otherwise than by transmitting it to my Government, by the earliest opportunity.

I have, &c.,

J. Sherman, Esq.

JULIAN PAUNCEFOTE

No. 101.—Mr. Tower to the Marquess of Salisbury.—(Received July 10.)

MY LORD, *Manchester, Massachusetts, June 30, 1897.*

WITH reference to Sir Julian Pauncefote's despatches of the 9th and 20th instant respectively on the subject of the sealing-up of arms in Behring Sea, I have the honour to transmit herewith copy of a note which I have received from the Acting Secretary of State, repeating the assertion contained in Mr. Sherman's note of the 18th instant (inclosed in Sir J. Pauncefote's despatch of the 20th instant), that the arrangements of 1894 were of a temporary and provisional nature, and stating that, on that account, they are considered by him inadequate to properly carry out the intent and purpose of the Paris Award. He states, therefore, that the proposal of Her Majesty's Government for a renewal of the said arrangements is not acceptable to the United States' Government.

Mr. Day concludes his note by expressing the hope that an early and favourable decision may be returned by Her Majesty's Government as to the offer to give to British sealers the benefit of Articles 4, 5, and 6 of the Regulations governing vessels employed in the fur-seal fishing during the season of 1897 (Inclosure No. 4 in Sir J. Pauncefote's despatch of the 9th instant), on account of the limited time in which to issue instructions to carry out those Regulations.

I have informed the Department of State, in reply to this note, that I have brought its contents to the knowledge of your Lordship, and have reported the substance of it to your Lordship by telegraph this day.

I have, &c.,

The Marquess of Salisbury.

REGINALD TOWER

(Inclosure.)—Mr. Day to Mr. Tower.

SIR, *Department of State, Washington, June 28, 1897.*

I HAVE the honour to acknowledge the receipt of the note of the British Ambassador of the 20th instant, in answer to the Department's letter of the 18th relative to sealing Regulations for British vessels in Behring Sea. Sir J. Pauncefote states that the offer of the Government of the United States to give to British vessels the benefit of Articles 4, 5, and 6 of the Regulations controlling American sealing-vessels for the season of 1897 does not answer the inquiry of his Government as to whether or not this Government will accept the arrangement of 1894 for the coming season of 1897.

I have to say, in reply, as stated in the Department's note of the

18th instant, that the provisions of the arrangements of 1894 were necessarily of a temporary and provisional nature, and are deemed by me inadequate to properly carry out the intent and purpose of the Paris Award. I regret, therefore, to have to state the proposition to agree to a renewal of said arrangements is not acceptable to this Government.

Trusting that the decision of the British Government as to the offer to give to British sealers the benefit of Articles 4, 5, and 6 of the Regulations of 1897 will receive early and favourable consideration, because of the limited time in which to issue instructions to carry out said Regulations.

I have, &c.,

R. Tower, Esq.

WILLIAM R. DAY.

No. 102.—*Mr. Tower to the Marquess of Salisbury.*—(Received July 15.)

MY LORD,

Manchester, Massachusetts, July 5, 1897.

I HAVE the honour to report that, upon receipt of your Lordship's despatch of the 27th May last, Sir Julian Pauncefote addressed a note to the United States' Secretary of State, dated the 13th ultimo, informing him of the names of the two vessels which will be employed in Behring Sea on patrol duties this season on behalf of Her Majesty's Government.

I have now received a note from Mr. Sherman, in reply, copy of which I inclose, expressing the "deep regret of the President at the obvious inadequacy of the proposed fleet," and stating that the President hopes that Her Majesty's Government will augment rather than reduce the fleet of three vessels employed last year.

Mr. Sherman asks for an early reply to his note, intimating that the designation of only two vessels by Her Majesty's Government might be interpreted by the sealers as evidence of an abandonment of the patrol, which would render it necessary for him to detail a much larger fleet of United States' vessels for the present season.

I have conveyed the substance of Mr. Sherman's note to your Lordship by telegraph this day.

I have, &c.,

The Marquess of Salisbury.

REGINALD TOWER.

(Inclosure.)—*Mr. Sherman to Mr. Tower.*

SIR,

Department of State, Washington, July 2, 1897.

FURTHER referring to Sir J. Pauncefote's note of the 13th June last, in which the information is contained that the sloop *Wild*

Swan and the gun-boat *Pheasant* will be employed in Behring Sea on patrol duties this season, I am constrained to express the deep regret of the President at the obvious inadequacy of the proposed fleet.

Five vessels have been designated by the President for this purpose, and, in view of the area to be patrolled, and of the number of sealing-vessels which have already engaged in and are preparing to fit out for sealing operations this season, the President hopes that Her Majesty's Government will decide for the present season to add to the fleet of three vessels employed last season rather than to reduce its numbers. The President believes it to be impossible properly to execute the laws enacted to enforce the Paris Award unless a larger fleet be designated by Her Majesty's Government.

An early reply to this note will be appreciated, as the President fears that the designation of two vessels only by Her Majesty's Government would be accepted by the sealers as evidence of an abandonment of the patrol, which would render it necessary for him to detail a much larger fleet of United States' vessels for this season.

It is unnecessary in this connection to repeat what I have already stated in my instruction to Mr. Hay, dated the 10th May, 1897, as to the inadequacy of the British patrolling fleet during the past three years in which the Paris Award has been in operation.

I have, &c.,¹

R. Tower, Esq.

JOHN SHERMAN.

No. 103.—*The Marquess of Salisbury to Mr. Adam.*

(Telegraphic.)

Foreign Office, July 21, 1897.

BEHRING Sea patrol.

With reference to your despatch of the 5th July, you should inform United States' Government that a third vessel, Her Majesty's ship *Amphion*, will be sent.

No. 105.—*Colonial Office to Foreign Office.*—(Received July 26.)

SIR,

Downing Street, July 26, 1897.

I AM directed by Mr. Secretary Chamberlain to acquaint you, for the information of the Marquess of Salisbury, that he has had under his consideration the despatch from Mr. Secretary Sherman to Mr. Hay respecting the seal fishery.*

* No. 94, page 913.

After an expression of disappointment and surprise at Her Majesty's Government having rejected the proposals made by the Government of the United States, Mr. Sherman proceeds to comment on the delay which occurred in the publication of Professor D'Arcy Thompson's Report.

He says (paragraph 3):—

"It would have been gratifying to me, and useful to my Government, in studying the important subject under consideration, if Professor Thompson's Report could have been made public with the promptness which marked the appearance of that of Dr. Jordan. In that case there would have been ample time for both Governments to have examined the Reports of these two eminent scientists before the opening of another sealing season. But it seems to have better suited the purposes of Her Majesty's Government to withhold Professor Thompson's Report until an opportunity was afforded to examine that of Dr. Jordan, and thus enable the former to pass the latter in review, criticize its statements, and as far as possible minimize its conclusions. It is not pleasant to have to state that the impartial character which it has been the custom to attribute to the Reports of naturalists of high standing has been greatly impaired by the apparent subjection of this Report to the political exigencies of the situation. It is further to be regretted that the Report was so long delayed that no opportunity was afforded this Government to examine it before the definite and final rejection of the President's proposals, based mainly upon its conclusions, was communicated to me. This conduct recalls the incident which preceded the arbitration at Paris, and which came near rendering the arbitration abortive, when a similar Report of a British Commission was withheld until after the case of each Government was exchanged, and the Report of the American Commission made public."

Again (paragraph 5):—

"Professor Thompson's Report is plainly written with a view to minimize as far as possible the depleted condition of the herd on the Pribyloff Islands."

And (paragraph 6):—

"Although Professor Thompson has been very careful throughout the Report to say nothing likely to embarrass his Government."

The reasons for the delay in the preparation and publication of Professor Thompson's Report were given in Lord Salisbury's despatch to Sir J. Pauncefote of the 7th May.* Those explanations cannot, however, have been before Mr. Sherman when he permitted the insertion of the above-quoted statements in his despatch, and Mr. Chamberlain would not refer to this point, although so

prominently put forward, if he did not feel it necessary for the vindication of Professor Thompson's high character and reputation to declare that the allegations made against him are totally unfounded, and therefore equally unjustifiable. Turning to the practical issues raised in Mr. Sherman's despatch, I am to point out that he is mistaken in assuming that Her Majesty's Government attributed to Dr. Jordan the statement that there is a "depleted condition and prospective early extinction of the herd." The words in question were used in Mr. Sherman's note to which Her Majesty's Government were replying, and they must adhere to their opinion that the statement is not warranted by any facts contained in the Report.

The passages cited from that paper are merely expressions of opinion, and the grounds upon which such opinions are based are not set forth in the Report, and the passage on p. 21 where it is asserted "he clearly recognizes diminution, as evidenced by photographs, and also by decrease of harems," must be read with his statement that "there is no assurance that photographs taken the same date of successive years show the same or relative conditions, as the arrival of the seals, and doubtless their movements on the rookeries, are affected by the state of the weather and the advancement of the season."

The statement quoted from Dr. Jordan's final Report, with which Her Majesty's Government have not yet been furnished, is interesting. It says:—

"From a careful study of all the conditions, in our opinion the fur-seal herd on the Pribyloff Islands has decreased to about one fifth of its size in 1872-74, to somewhat less than half its size in 1890, and that between the seasons of 1895 and 1896 there has been a decrease of about 10 per cent."

On p. 22 of his preliminary Report, Dr. Jordan estimates the seal-herd in 1896 as consisting of "143,071 breeding females, or a total number of about 440,000 of seals of all grades," and, he adds, there may have been, in 1895, 155,000 breeding seals, or a total of 475,000." Dr. Jordan's matured reflections, therefore, on the comparative state of the herd, have apparently led him to consider that the loss during the period 1895-96 was not $7\frac{1}{2}$ per cent., as he thought in November last, but "about 10 per cent."

In the passage referred to on p. 22, he only carries his comparison back to 1880, when he estimates the herd at "600,000 breeding females, 1,500,000 of all grades," but he has now apparently carried his comparison further back, and estimates that in 1872-74 the herd was about five times its present size. This would mean that at that period the herd numbered 700,000 breeding females, and 2,200,000 seals of all grades collectively, and Her Majesty's Govern-

ent will await with interest his explanation of the disappearance of 30,000 breeding females and 700,000 seals of all grades in the period between 1872-74 and 1880, when pelagic sealing had not yet begun. Mr. Chamberlain is not aware that it has ever previously been admitted that there was a decrease in the herd between 1872-74 and 1880, and apparently Dr. Jordan himself was not aware of when he wrote his preliminary Report, as on p. 17 of that paper he states that "until 1872, and perhaps a few years after, the herd continued to increase. During the period 1872 to 1878 it doubtless remained practically in a state of equilibrium under the various checks acting upon it, of which the trampling of pups was the chief. The north-west catch, which remained stationary at about 5,000 during those years, being another element of check." Whether the earlier or later views of Dr. Jordan are to be taken as expressing his final opinion, the discrepancy shows the difficulty attending the discussion of the question in consequence of the absence of any really trustworthy data on which comparisons of the size of the herd at different periods can be based, and justifies the action of Her Majesty's Government in refusing to be drawn into a discussion of the question until further information has been acquired.

Mr. Sherman again refers to the falling-off in the pelagic catch last year in Behring Sea in support of the contention that the herd has declined, and cites the figures of the catch for 1894, 1895, and 1896, from which it would appear that the catch per vessel in 1896 had fallen-off nearly one-half as compared with 1894.

The catch of 1894 was altogether exceptional, as will be seen from the Table printed at p. 198 of the Report of the Secretary of the United States' Treasury for 1895, and exceeded that of any previous year, as well as that of the subsequent years, and the extraordinary variations in the catch from year to year which characterize the industry, render it impossible to deduce from the average catch per vessel in any year any safe conclusion as to the state of the herd.

Mr. Sherman questions the assertion that the falling-off in last season's catch was partly due to stormy weather, and cites Captain Hooper's statement that boarding operations were possible during twenty-four days in 1896, as compared with twenty-five in 1895, a statement which Her Majesty's Government have no reason to doubt, though it does not follow that sealing operations in canoes are practicable whenever boarding is practicable, still less that the weather is favourable for sealing, and, as Lord Salisbury is aware, Admiral Palliser, in his Report on the season, described the weather as "exceptionally bad." It is unnecessary to elaborate this point further than to add that Her Majesty's Government might equally well maintain, from a comparison of the results of the north-west

coast catch in 1895 and 1896, that seals were more numerous in the latter year.

The number of seals is limited, and it is impossible, therefore, that the catch per vessel should remain the same while the number of vessels engaging in it has almost doubled. The presence of a greater number of vessels must necessarily interfere to some extent with each other's operations, and moreover, the constant patrolling of the limited area of the fishery by steam-vessels must tend to disturb the seals and diminish the catch, which in Behring Sea is made almost entirely from sleeping seals, even if the constantly repeated boarding to which the British vessels have been subjected had not constituted a material hindrance to the operations of the sealing fleet. The extent to which British sealing-vessels have been unnecessarily harassed by the United States' patrol-vessels during 1895 and 1896 may be judged from the fact that in 1894, when the British sealing fleet numbered only twenty-two vessels, thirty-six boarding operations were performed, an average of one and a-half per vessel, while in 1895, when a fleet of forty British vessels was engaged, the number of boardings rose to 183, an average of four and a-half per vessel, and in 1896 the British fleet of fifty-seven vessels was subjected in Behring Sea alone to 171 boardings by the United States' patrol, an average of three times per vessel. It is interesting to note that in 1895 seventy-six United States' vessels were subjected to only 156 boarding operations. If it is borne in mind that at each boarding operation by United States' vessels the whole catch is pulled out of the salt in which it is packed, and each skin carefully examined, and then left to be resalted and repacked by the crew of the sealing-vessel, some idea may be formed of the extent to which the operations of the sealing fleet are subjected to active obstruction, in addition to the loss caused through the effect of the constant movements of the steam patrol-vessel in scaring the seals. In addition, most of the vessels were boarded one or more times by Her Majesty's ships. It is necessary here to note that, in his efforts to prove the approaching commercial extermination of the fur-seal, Mr. Sherman has, unintentionally, no doubt, by quoting without reference to its context a passage from Lord Salisbury's despatch of the 21st April, placed upon it a construction which is not borne out by its language.

He says:—

"A Table appended to his Report shows that the total product of the pelagic catch of 1896 in the London market was about half the amount of that of 1895, and Lord Salisbury informs us that this result has 'brought many owners of the sealing-vessels to the verge of bankruptcy.'"

What Lord Salisbury did actually say was that "the small

catch and low prices obtained for the skins last year brought many of the owners of the sealing-vessels to the verge of bankruptcy."

It is perhaps unnecessary to dwell further on this part of Mr. Sherman's despatch, as it has been answered by anticipation in Lord Salisbury's despatch of the 7th May, to which no reply has been received; but in view of the fact that Mr. Sherman speaks throughout as if pelagic sealing were the sole cause of the alleged depletion of the herd, it may be well to again call attention to the conclusion there drawn from Dr. Jordan's estimates of the herd at different periods, viz., that the decline of the herd was much more extensive before pelagic sealing became general than it has been since.

Mr. Chamberlain cannot pass without notice the attack upon Her Majesty's Government for declining to consider an immediate revision of the Fishery Regulations established by the Arbitration Tribunal at Paris in 1893, as this attack forms so considerable a portion of the despatch, that silence might be construed by the United States' Government as an admission that Mr. Sherman's observations cannot be answered.

The expressed object of the arbitration was "the preservation of the fur-seals," and the Regulations adopted were framed with a view to "the proper protection and preservation of the fur-seal . . . resorting to Behring Sea."

From a perusal of this despatch of the 10th May it might be inferred that the "proper protection and preservation of the fur-seal" is identical with the suppression of pelagic sealing, and this view is consistent with the attitude maintained by the United States' Government from the outset.

In support of their views the United States' Government have departed from the noblest traditions of their country which had earned universal honour by their efforts to vindicate the freedom of the high seas.

The nation which is now so zealous for prohibiting the killing of seals on the high seas was, in 1832, with equal zeal asserting a claim of rights for its citizens not only to kill seals on the high seas, but to land and slaughter them on the shores of a friendly nation. The Power which now reproaches Her Majesty's Government with "unneighbourly" conduct because they decline to abolish an industry, the lawfulness of which has never been questioned except by the United States, and has, only four years since, been vindicated by the highest International Tribunal, did not shrink in 1832, when the United States' sealing-vessel *Harriet* had been seized for violating the territory of the Republic of Buenos Ayres in the pursuit of fur-seals, from landing an armed party at Soledad and

carrying off the crew and cargo of the vessel, and from declaring that the seal fishery on those coasts was in future to be free to all Americans, and that the capture of any vessel of the United States would be regarded as an act of piracy.

The shores of the Pribyloff Islands are to-day just as much uninhabited as were the shores of the Falkland Islands and Tierra del Fuego fifty years ago, but no British subject has ever claimed the right to land and kill seals there as the United States' citizens did on the South Atlantic under the protection of the guns of a United States' man-of-war.

British subjects, and Her Majesty's Government for them, have only claimed the right of every subject of a free State to exercise their undoubted right of fishery on the high seas; yet, while exercising that right, British subjects have been seized, fined, and imprisoned, in the face of the protests of Her Majesty's Government. And now, after Her Majesty's Government, in their desire for an amicable arrangement with the United States, had agreed to submit to arbitration their claim to exercise a right never before disputed, and to leave to the Tribunal to determine when that right had been vindicated, under what restrictions it should, in the interests of both countries, continue to be exercised, and after they have ever since scrupulously adhered to those restrictions, they find themselves, notwithstanding these concessions and sacrifices, accused of unneighbourly conduct.

When the Award was made it was welcomed in the United States because it was believed that the restrictions were sufficient to render pelagic sealing unprofitable, and that the interests of the lessees of the Pribyloff Islands would not under the new condition of affairs be materially or injuriously affected.

When it was discovered from the results of the first year's fishery that the Regulations, severely as they pressed on the British industry, were not sufficient to destroy it, the United States Government began to press Her Majesty's Government to agree to revise the Regulations. The same arguments as had just before been urged in vain upon the Tribunal were repeated. Pelagic sealing it was declared was suicidal, and the extermination of the fur-seal was imminent. Her Majesty's Government refused to agree to set aside an Award arrived at after the most careful deliberation by the Tribunal, merely because it was found that British subjects could, under the restrictions imposed by it, still continue to prosecute their industry successfully.

The agitation and pressure were continued, and exaggerated statements as to the condition of the herd were circulated, till, when Her Majesty's Government sent their Agents to inquire into the actual facts in 1896, it was found that, in spite of the large catch of

1895, the herd actually numbered more than twice as many cows* as it had been officially asserted to contain in 1895. The result of these investigations, as pointed out in Lord Salisbury's despatch of the 7th May, has further been to show that pelagic sealing is much less injurious than the practice pursued by the United States' lessees of killing on land every male whose skin was worth taking. If the seal herd to-day is, as Professor Jordan estimates, but one-fifth of what it was in 1872-74, that result must be, in great measure, due to the fact that, while the islands were under the control of Russia that Power was satisfied with an average catch of 33,000 seals; subsequently under the United States' control more than three times that number have been taken every year, until the catch was perforce reduced because that number of males could no longer be found.

Last year while the United States' Government were pressing Her Majesty's Government to place further restrictions on pelagic sealing they found it possible to kill 30,000 seals on the islands, of which Professor Jordan says, page 21, 22,000 were to the best of his information 3-year olds, though on page 17 he estimated the total number of 3-year old males on the islands as 15,000 to 20,000. If such exhaustive slaughter is continued it will, in the light of the past history of the herd, very quickly bring about that commercial extermination which has been declared in the United States to be imminent every year for the last twelve years.

Enough has, perhaps, been said to justify the refusal of Her Majesty's Government to enter on a precipitate revision of the Regulations, and, if further justification were required, it is to be found in the nature of the industry as carried on by British subjects, especially if compared with the proceedings of United States' citizens.

A large amount of British capital has been invested in ships specially fitted for the seal fishery, which cannot readily be turned to other uses, and much skill has been acquired by those employed on the vessels which is useless for other purposes; and Her Majesty's Government would require very complete justification before they could assent to measures which would render a large proportion of this capital and labour unprofitable. The United States' industry is carried on on land, no capital is required except a small sum annually for the maintenance of the few Indians on the islands, whose principal sustenance is, in fact, seal's flesh, and for bringing the skins to market. A partial or total cessation of sealing is, therefore, a light matter to the United States' citizens as compared with its result to British subjects.

* The number of cows, according to the official estimate of 1895, was 70,423; the count in 1896 showed 143,071 cows.

The sealing industry, moreover, as carried on by British subjects is at best a highly speculative one. If by good fortune seals are met with in abundance, and the weather is suitable, it may prove highly remunerative, provided prices are good. But when the weather is bad, and seals are timid, and prices, as last year, are low, heavy losses are incurred. To add to these risks uncertainty as to the conditions under which the industry may be carried on would be equivalent to putting an end to it altogether. Mr. Sherman's strictures on the conduct of Her Majesty's Government should be read in the light of these facts.

In further support of his indictment of Her Majesty's Government, Mr. Sherman proceeds to review "the manner in which it (the British Government) has responded to the action of the Paris Tribunal, and to what extent and in what spirit it has observed the decision and recommendations of that Tribunal."

This review contains some signal omissions and also some inaccuracies to which attention must be called. Mr. Sherman begins by recalling the fact that when the draft Regulations were submitted to the Tribunal they provided that the Regulations should apply to all the waters of the Pacific Ocean to the north of the 35th degree of north latitude, and that the late Lord Hannen objected to this provision, and moved an amendment limiting the area to that part of the ocean and sea east of the 180th meridian, and he cites part of the words used by the President of the Tribunal acquiescing in the amendment, but omits the concluding portion which was: "Nevertheless, as far as he was concerned, he did not desire to do anything which might be prejudicial to the position of Great Britain or of the United States in the negotiation which the Governments of these two countries might engage ultimately with Russia and Japan." Mr. Sherman also omits to mention that the amendment was unanimously agreed to. Lord Hannen's views on this point, therefore, were equally shared by his United States' colleagues on the Board.

Mr. Sherman continues: "When, in accordance with Article VII of the Treaty of 1892, the Russian and Japanese Governments were approached with a view to securing their adhesion to the Regulations, they both replied they could only do so on their extension to the Asiatic waters," and when Secretary Gresham verbally in October, 1893, brought this view of the subject to the attention of the British Ambassador, he recognized the force of the position, and said the situation seemed to suggest the propriety of a Treaty between the four Powers "for the preservation, for their common benefit of the fur-seals between the two continents, and north of the 35th degree of north latitude." As a matter of fact the identic note to the Maritime Powers inviting their

adhesion to the Regulations was not dispatched till the 20th August, 1894.

In a despatch of the 26th October, 1893, however, Sir J. Pauncefote records a conversation with Mr. Gresham, in which he reports:—

“He (Mr. Gresham) took the opportunity of mentioning that the Russian and Japanese Governments would probably, as a condition of their adhesion to the Regulations prescribed by the Award, insist that the southern limit laid down in Article 2 of the Regulations, namely, the 35th degree of north latitude should be extended as far as the Japanese coast, so as to protect the Russian and Japanese rookeries. Mr. Gresham was of opinion that it would be difficult to resist this demand on equitable grounds, it being based on reciprocity. In reply to his inquiry, I said that the contention might seem plausible enough, but I did not know how it would be viewed by Her Majesty's Government. I understand that Mr. Bayard has been instructed to confer with your Lordship thereon.”

There is thus a discrepancy between Mr. Gresham's report, as quoted by Mr. Sherman, of the language used at this interview by Sir J. Pauncefote and Sir J. Pauncefote's own report of the same interview.

However this may be, and whatever instructions may have been sent to Mr. Bayard as to the interests of Russia and Japan, he apparently did not consider that he was desired to bring the question before Her Majesty's Government, for his official note of the 20th November made no allusion to the subject, and that note, with the exception of a verbal communication on the 20th September, 1893, expressing the desire of his Government for prompt action in procuring legislation to give effect to the Award, and in securing the adhesion of other Powers, was the first communication received from him on the question of the Award.

No note from Mr. Gresham of the 23rd January, 1894, on the subject of the seal fishery appears to be on record, and the note of the 24th January, to which possibly Mr. Sherman alludes, contains no allusion to the subject of the Japanese and Russian fisheries, nor does any communication appear to have been made to Her Majesty's Government on the 2nd May, 1894, in reference to this question. Mr. Sherman appears to have been misinformed as to what actually took place in regard to this matter.

On the 11th March, 1894, Mr. Gresham, in the course of a discussion on the subject of the legislation proposed by the respective Governments for enforcing the Award, threw out a suggestion for a Convention between the four Powers principally interested, namely, Great Britain, the United States, Russia, and

Japan, to embrace a complete scheme of regulations applicable not only to the high seas, but also within the sovereignty of each Power, and he coupled this with a proposal that meantime the *modus vivendi* established during the arbitration, should be renewed and extended over the whole area of the Award. Such a *modus vivendi* would have practically prevented any pelagic sealing on the eastern side of the Pacific, and would have driven the whole body of pelagic sealers to the western side—the Japanese and Russian fisheries, which Mr. Sherman now believes the United States' Government were anxious to protect. Her Majesty's Government replied, five days later, on the 16th March, that they saw no objection to the proposed negotiation between the four Powers, and were willing to renew the *modus vivendi* on the same terms as before, but could not consent to its extension. As the United States insisted on the extension, the proposal dropped for the time.

It is possible that Mr. Sherman may have had in mind the proposals made by Mr. Gresham, on the 23rd January, 1895, to which he previously referred. To that note, after communication with the Dominion Government, a reply was returned on the 17th May, which was received by the United States' Government, as Mr. Sherman states in an earlier part of his despatch on the 27th May. That reply, to which Mr. Sherman refers as "complacently" stating "that the condition of affairs is not of so urgent a character as the President has been led to believe," and that there was no "such urgent danger of total extinction of the seals as to call for a departure from the Arbitral Award by which the two nations have solemnly bound themselves to abide," contained a very full statement of the reasons for the belief expressed by Her Majesty's Government to which they have not yet had any reply; and Mr. Sherman omits to mention that alternative proposals were submitted for the prosecution of a joint inquiry into the facts, the necessity for which has been fully established by the results of last year's investigations. If that proposal of Her Majesty's Government had been promptly accepted, the first trustworthy information as to the state of the seal herd would have been available at the end of 1895 instead of at the end of 1896, and would have afforded, with the information collected in the latter year, some criterion of the progress or decline of the herd.

The reasons which induced Her Majesty's Government to decline to enter upon a joint negotiation with the three Powers interested in suppressing pelagic sealing were fully set forth in the correspondence, and it is unnecessary here to do more than call attention to the fact that since 1893 Great Britain has had an arrangement with Russia in regard to the seal fishery in which that Power is interested, and that, as the seal herds are generally alleged to be quite distinct

and not to intermingle, no advantage would have been gained by a joint negotiation, which could only have been based upon incomplete knowledge of the facts.

Mr. Sherman proceeds further to reflect upon the action of the late Lord Hannen and of Her Majesty's Government in regard to the second Declaration annexed to the Award of the Tribunal, which urged a suspension for a short period of any killing of seals either on land or sea. Mr. Sherman states that Mr. Gresham instructed Mr. Bayard on the 12th September, 1893, to ask the concurrence of Great Britain in the enforcement of this Declaration, and that Mr. Bayard reported on the 13th September that he had made known his instructions to the British Government. Mr. Bayard must have failed to make his meaning clear, for Lord Rosebery's despatch of the 13th September to Sir J. Pauncefote, recording his conversation with Mr. Bayard, speaks only of arrangements "for carrying into effect the Award of the Behring Sea Tribunal of Arbitration," and makes no reference to the second Declaration annexed to the Award. On the 20th of the same month Mr. Bayard communicated a further instruction from his Government on the subject of the enforcement of the Award, but also without any reference to the Declarations, as is also the case in the formal note addressed by Mr. Bayard to Lord Rosebery on the 20th November. The first reference to the subject is contained in Mr. Gresham's note to Sir J. Pauncefote of the 24th January, 1894, in which, after urging the early enforcement of the Regulations, he adds, "the United States would be glad to prohibit entirely for a period of three years, or for two years, or for one year, the killing of seals, but unless Her Majesty's Government should be willing to agree to that measure it only remains for the two Governments at once to give effect to the Regulations determined upon by the Tribunal as necessary in conformity with the Treaty." In forwarding this note Sir J. Pauncefote observed that he had read this statement in Mr. Gresham's note with surprise, as it was inconsistent with his former language on the same subject at an interview on the 13th December, when, as reported by Sir J. Pauncefote in a despatch dated the 16th of that month, Mr. Gresham had stated, "as regards the second Declaration, respecting a further cessation of seal-killing at sea and on land, Mr. Gresham stated that he was opposed to closing the industry during the coming season. Such a course would, he thought, raise a great outcry in this country, and, moreover, it was important to ascertain what had been the effect of the cessation of seal-killing for two consecutive seasons in Behring Sea." This language, it need scarcely be observed, disproves Mr. Sherman's belief that the United States' Government had been urging Her Majesty's Government to agree to the adoption

of the second Declaration from the moment they were informed of it. Moreover, it is to be observed that on the 24th January, 1894, when in the manner quoted, the suggestion to adopt the Declaration was thrown out, it was too late, as the sealing-fleet had already started for the spring fishery. Her Majesty's Government did not, however, as Mr. Sherman supposes, fail to respond, for in their reply, dated the 24th February, they stated with reference to the suggestion that they were willing to agree as a temporary measure to renew the *modus vivendi* for the continued closing of Behring Sea. This offer did not meet with the views of the United States.

Mr. Sherman's account of the action of Her Majesty's Government in regard to the adoption of measures for enforcing the Regulations is also incomplete. In calling attention to the delay which took place in passing the legislation for giving effect to the Award, he omits to mention that part of the delay was due to the difficulty caused by the desire of the United States' Government to transfer the negotiations to London, although all the previous discussions in connection with the Behring Sea difficulties had been carried on at Washington, and Her Majesty's Ambassador there was fully informed on the whole question; and, further, that for some time the United States' Government persisted in a desire to proceed to enforce the Regulations by means of a Convention instead of by legislation, a course which was impossible for this country, where Treaties restricting or interfering in any way with the rights and liberties of the subject require the sanction given by express laws. The proposed legislation, too, mainly affected Her Majesty's subjects in Canada, and it was necessary therefore to refer constantly to the Dominion Government in the matter, and there was no undue delay on the part of Her Majesty's Government in dealing with it.

The British Act received the Royal Assent on the 23rd April, 1894, just seventeen days after the United States' Act was passed; the Order in Council giving the necessary powers to United States' officers to act under the British Act was passed on the 30th April, and instructions were sent to Her Majesty's naval officers by telegraph the same evening, and the Act was thus brought into force before the beginning of the close time fixed by the Regulations. The statement in Mr. Sherman's despatch, therefore, that "the British Act to enforce the Regulations was not passed until four months after the sealing season had opened, and the final Order in Council (the 27th June, 1894) on the subject was not issued until six months after the sealing fleet had put to sea in disregard of the Award of the Tribunal," is misleading. The Regulations, except in so far as they prescribed a special flag for sealing-vessels and the making certain entries in the log and taking out a licence, made no change in regard to the methods of sealing

during the spring. The legislation was passed in time to enforce the close season, and during the close season arrangements were completed with the United States in regard to the flags, &c., and it was to give effect to these arrangements that the second Order in Council, viz., that of the 27th June, was passed, more than a month before the close season ended. It is difficult, therefore, to know what is exactly meant by saying that "the sealing fleet had put to sea in disregard of the Award of the Tribunal," unless it refers to the departure of the fleet for the coast fishery in which the Award makes practically no change.

In regard to the charge of neglect of the police duties under the Award, Mr. Chamberlain would observe that the sealing fleet consists entirely of small sailing-vessels. In 1894 forty-four were employed during the spring season, and thirty-seven in Behring Sea. In 1895 the number in the spring season was fifty-two, and in Behring Sea fifty-nine; and in 1896 the numbers were forty-three and sixty-seven respectively. The main duty of the patrol is to prevent infringement of the 60-mile zone in Behring Sea, and to prevent sealing during the close time, and even if the masters of the sealing-vessels were bent on evading the law, instead of being, as they are, most anxious to conform to it, Her Majesty's Government are satisfied that one man-of-war or revenue-cutter is quite equal to looking after eight small sailing-schooners.

Her Majesty's Government also send three vessels to patrol the western side of the Pacific to see to the enforcement of the arrangement with Russia, and though United States' pelagic sealers equally engage in the fishery on that side, and the United States have a similar arrangement in regard to it, Mr. Chamberlain has never heard of any United States' vessel taking any part in the patrol on that side, and Her Majesty's Government have, therefore, had employed in the patrol of the seal fisheries on one side of the Pacific or the other five or six men-of-war as a rule, as compared with five or six revenue-cutters on the part of the United States, and they have every reason to believe that this force is ample for the discharge of the proper duties of the patrol.

The "strange misconception of the true spirit and intent of the Arbitrators," said by Mr. Sherman to have been developed on the part of the British Government, has been entirely on the part of the United States—a misconception which Her Majesty's Government have frequently had to point out. The Agreement for allowing vessels to have their arms sealed-up was not renewed, because, as Mr. Sherman was well aware, it was made a pretext by United States' officers for the unwarrantable seizure of two British vessels. Moreover, Her Majesty's Government made provision for the examination of sealing-vessels before clearing for Behring Sea, and

the issue to them of certificates by the Customs authorities to the effect that they had no fire-arms on board. The United States Government declined to accept these certificates, and insisted the British sealing-vessels should undergo a further and, as might be expected, unsuccessful search at the hands of a United States Customs officer.

The United States' Government can scarcely have seriously expected that Her Majesty's Government would consent to cast such a grave aspersion on the character of their officials. The Award, it must be remembered, is carried out, so far as British vessels are concerned, under a law of the Imperial Parliament and Her Majesty's Government have accepted the assistance of United States' commissioned officers in enforcing that law; but they have not conferred on them, nor did the Tribunal of Arbitration suggest that they should confer on them, the duty of supervising and controlling the action of British naval or Customs officers appointed to that duty, and they are pleased to think this in spite of all the boarding and searching with which the British sealing fleet has been harassed, not a single instance has been established of the use of fire-arms by British vessels contrary to the Regulations.

The so-called serious defect in the British Act for the enforcement of the Regulations is the next point in Mr. Sherman's indictment. He refers to the omission of the clause, contained in the Act passed to carry out the *modus vivendi* of 1891, which provided that the presumption of guilt would lie against the vessel having on board fishing or shooting implements, or seal-skins at forbidden times or in forbidden waters, and declares that "the practical effect is to make it impossible in many cases to convict British sealing-vessels, although there may be the strongest presumptive evidence of guilt, evidence which, under the Act of Congress, would in most cases procure the conviction of an American sealing-vessel."

It would have been of much assistance to Her Majesty's Government if Mr. Sherman had mentioned one or two of these cases. As only ten British vessels have been seized during the three years that the Act has been in force. Of these, two were seized in 1894, not for violation of the Award, but having unsealed arms on board, the alleged arms in one case being a musket with the barrel cut down, used for signalling to the vessel's boats. There was absolutely no evidence in either case that the arms had been used, and the Admiral decided not to bring vessels so improperly seized to trial. One vessel was seized last year by the United States on the pretext that there was a shot-hole in one of the skins, though the most exhaustive search failed to reveal any arms on board, and after a few

days' detention the United States' officer in charge of the patrol released her. There remain only seven vessels, therefore, brought to trial in three years, and of these four have been convicted, and heavy fines or forfeiture inflicted. The cases referred to by Mr. Sherman are therefore reduced to three. One of these vessels was seized on the ground that the master had not entered up in his log for two days the number of seals taken, and the Court promptly dismissed the case, with costs against the prosecutor. The other vessel released had been seized on a charge of using fire-arms in killing seals in Behring Sea. Having been previously sealing on the Japan coast, where the use of fire-arms is allowed, on entering Behring Sea the master had his ammunition and arms carefully counted by the United States' officers at Attu before beginning sealing. When searched subsequently there appeared to be some discrepancy in the ammunition, and one skin had a hole in it presenting an appearance like that of a shot-hole. The discrepancy in the ammunition was fully accounted for, but the vessel was sent for trial, and, of course, acquitted. The third case of acquittal was somewhat similar to the last, except that the evidence was even less strong, and the Commander of the British patrol fleet only sent her for trial because his instructions gave him no discretion where a distinct offence is charged against a vessel by a United States' officer. It is implied that because the clause making the possession of sealing implements *prima facie* evidence justifying seizure appeared in the Act for the enforcement of the *modus vivendi* in 1891, it should also have appeared in the Act of 1894 for enforcing the Award. But the circumstances were completely altered. Under the *modus vivendi* Behring Sea was closed to sealing. If a vessel with sealing equipment was found within the well-defined limits of the sea, her presence raised the presumption that she was there for an unlawful purpose. The Award, on the other hand, established a close season over the whole area of the North Pacific east of 180° from the 1st May to the 1st August. When the close season begins the sealers have to find their way back to port through the closed area for hundreds of miles with their arms and skins on board. Before the season opens in Behring Sea they have again to find their way through the closed area with their equipment on board to be ready to begin operations as soon as the close time ends. If the clause were in the British Act, every one of the vessels either going to or returning from the prosecution of their lawful fishery could be seized solely because of the possession of the implements and produce of her calling. It would be evidently unjust to enforce such a provision.

Even if the operation of the clause were restricted to the 60-mile zone in Behring Sea, it would obviously, with the fogs and currents

there prevailing, when for days together it is impossible to get a sight of the sun, be unjust to presume that whenever a sealing-vessel was found inside a geographical line which she may have had no opportunity of fixing, that she was necessarily there for an unlawful purpose. Such a measure would be contrary to the spirit of justice, and inflict unnecessary and unmerited hardship on a part of Her Majesty's subjects who are most anxious to observe the law in every particular.

The final instance cited by Mr. Sherman of "the failure and refusal" of the British Government to give full effect to the Paris Regulations" deals with the question of the entries required in the official log-books of the number and sex of the seals taken. He speaks of the "daily" entry, though the word does not appear in the Regulations, and complains that the Returns furnished by British sealing-vessels are untrustworthy, and that Her Majesty's Government have refused to allow the catch of British sealing-vessels to be examined in Canadian ports by United States' Inspectors.

Mr. Sherman omits to mention the contention of Her Majesty's Government that the results of such inspection for the purpose of determining the sex of the seal from which the skin has been taken are at the best of very doubtful value, and that although in the case of males three years old or over, or of females which have borne young, it is possible to determine the sex from an examination of the skin with more or less accuracy, it is not possible to do so with any approach to certainty in the case of the skins of young males or females.

Mr. Sherman's charges are summed up in the final paragraphs of his despatch. They have been answered above in detail, and it has been shown in regard to the alleged refusal to extend the Regulations to the Asiatic waters that Regulations believed at the time by Her Majesty's Government and the Government of Russia to be adequate in regard to these waters, have been in force there since 1893, and that when Russia in 1895 complained of their inadequacy, Her Majesty's Government took the first opportunity in 1896 of inquiring into the state of the herd on the Russian Islands, and are conducting further investigations with the same object this year.

In regard to the refusal of Her Majesty's Government to agree to the total suspension of the killing of seals for a period of years, it has been shown that such a measure was in the first instance deprecated by the United States' Government, and when it was brought up it was too late, though in any case Her Majesty's Government could not have agreed to such a measure, as it would have involved the ruin of an important British industry.

The alleged neglect to put the Regulations in force until after sealing had been entered upon has been answered by showing that all the substantive Regulations were enforced by the date fixed by the Tribunal.

The "evasion of the patrol duty" has been disposed of by showing that Her Majesty's Government have actually had a larger force engaged in patrolling the seal fisheries of the Pacific than the United States, and that the force is more than adequate for the purposes.

The "opposition to suitable measures for the enforcement of the prohibition against fire-arms" has been shown to be unfounded. The possession of fire-arms by a sealing-vessel is not in itself illegal. It is their use which is prohibited; but it has been shown that British vessels do not clear with fire-arms, that no instance of their use has been established, and that Her Majesty's Government were compelled to withdraw from the arrangement for the sealing of arms, because they found that not only did it not serve to save British vessels from unnecessary interference, but was actually made a pretext for unwarrantable seizures.

They have not omitted to enact legislation necessary to secure the conviction of the guilty, but they have refused to pass legislation certain to embarrass and injure the innocent.

They have refused to seek legislation authorizing an inspection of skins because they do not believe that such an inspection would serve any useful purpose.

They have performed with the utmost rigour all the requirements of the Award; but they have had to make continual and unavailing protests against the attempts of the United States to hamper and embarrass the operations of British subjects pursuing their lawful vocation.

The fact that in spite of these embarrassments British sealers have been able to prosecute their industry with success has led to the continual efforts of the United States to obtain such further Regulations as would effectively prevent that result, without regard to the object aimed at by the Tribunal in the Regulations they laid down, which was to preserve the seal fishery for the benefit of both countries.

Her Majesty's Government have never argued that the Regulations were perfect, but they have maintained that before they can be revised in a scientific manner accurate information as to the increase or decrease of the herd must be available, and that such information can only be obtained by accurate observations extending over a sufficient period to enable accidental circumstances to be eliminated, and as soon as that is at hand they will be ready to enter on a discussion of the question in the impartial and friendly spirit

with which they can confidently claim to have acted through
this controversy.

I am, &c.,

Sir T. Sanderson.

EDWARD WINGFIELD

No. 106.—The Marquess of Salisbury to Mr. Hay.

YOUR EXCELLENCY,

Foreign Office, July 28, 1897.

IN the last paragraph of the despatch addressed to you by Mr. Sherman under date of the 16th May last, and communicated by you to me on the 22nd of that month, a wish is expressed for a Conference of the Powers interested in the fur-seal fishery of the North Pacific.

In reply, I have to state that Her Majesty's Government are willing to agree to a meeting of experts nominated by Great Britain and Canada and by the United States in October next, when the further investigations to be made on the islands during the present season will have been completed. The object of the meeting would be to arrive, if possible, at correct conclusions respecting the numbers, conditions, and habits of the seals frequenting the Pribyloff Islands at the present time as compared with the several seasons previous and subsequent to the Paris Award.

It seems to Her Majesty's Government that Washington would be the most suitable place for such a meeting.

The other portions of Mr. Sherman's despatch, in so far as they require any reply from Her Majesty's Government, have been answered by anticipation in despatches which I addressed to Her Majesty's Ambassador at Washington on the 22nd April and 7th May last, and which have been communicated to the Government of the United States.

I have, &c.,

John Hay, Esq.

SALISBURY.

No. 107.—The Marquess of Salisbury to Mr. Adam.

(Telegraphic.)

Foreign Office, July 30, 1897.

MR. TOWER's despatch of the 30th June and previous correspondence.

Her Majesty's Government regret that they are unable to accept the proposal made by the United States' Government that their 1897 Regulations should be adapted to the sealing-vessels of Great Britain.

Her Majesty's Government consider, with regard to the sealing up of arms, that the certificate of a British Customs officer, which

is carried by the majority of British sealing-vessels, stating that they have no fire-arms on board, already provides a sufficient guarantee.

You should, however, inform the United States' Government that instructions have been given that the officers of Her Majesty's patrolling-vessels should seal up the arms and ammunition of any British vessel which applies to them, and make an entry to that effect in the vessel's log.

CONVENTION between the United States and Japan, relating to Protection of Patents, Trade-marks, and Designs.—Signed at Washington, January 13, 1897.

[Ratifications exchanged at Tôkiô, March 8, 1897.]

HIS Majesty the Emperor of Japan and the President of the United States of America, being desirous of securing immediate reciprocal protection for patents, trade-marks and designs, have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries :

His Majesty the Emperor of Japan, Toru Hoshi, Jushii, His Majesty's Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States ; and

The President of the United States, the Honourable Richard Olney, Secretary of State of the United States ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows :—

Article XVI of the Treaty of Commerce and Navigation between Japan and the United States of America, concluded at Washington on the 22nd day, the 11th month, the 27th year of Meiji, corresponding to the 22nd day of November, 1894,* of the Christian era, shall have full force and effect from the date of the exchange of ratifications of this Convention.

The present Convention shall be duly ratified by His Majesty the Emperor of Japan in the usual manner, and by the President of the United States of America, by and with the advice and consent of the Senate thereof ; and the ratifications shall be exchanged at Tôkiô as soon as possible.

In witness whereof the respective Plenipotentiaries have signed this Convention, and have thereunto affixed their seals.

Done in duplicate original, at Washington, this 13th day of January, 1897, of the Christian era.

(L.S.) RICHARD OLNEY.

(L.S.) TORU HOSHI.

TREATY of Friendship and General Intercourse between Japan and Spain.—Signed at Madrid, January 2, 1897.

[Ratifications exchanged at Tôkiô, September 9, 1897.]

HIS Majesty the Emperor of Japan and His Majesty the King of Spain, and in his Royal name Her Majesty the Queen-Regent of the Realm, being equally desirous of maintaining the relations of good understanding which happily exist between them, by extending and increasing the intercourse between their respective States, and being convinced that this object cannot be better accomplished than by revising the Treaty of Friendship, Commerce, and Navigation hitherto existing between the two countries, have resolved to complete such a revision based upon principles of equity and mutual benefit, and for that purpose have named as their Plenipotentiaries that is to say :

His Majesty the Emperor of Japan, Shinichiro Kurino, Shoshii, second class of the Imperial Order of the Rising Sun, &c., his Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of Italy ; and

His Majesty the King of Spain and in his Royal name Her Majesty the Queen-Regent of the Realm, Don Carlos O'Donnell y Abreu, Duke of Tetuan, Marquis of Altamira, Count of Lucena, Grandee of Spain, Senator of the Realm, Brigadier-General, His Most Catholic Majesty's Chamberlain, decorated with the Collar of the Royal and Distinguished Order of Charles III, Knight Grand Cross of the Military Order of St. Hermenegild, decorated with the Collar of the Order of the Tower and Sword of Portugal, Knight Grand Cross of the Orders of St. Stephen of Hungary, of St. Maurice and St. Lazarus of Italy, of Leopold of Belgium, of the Osmanieh, &c., his Minister of State ;

Who, having communicated to each other their full powers, found to be in good and due form, have agreed upon and concluded the following Articles :—

ART. I. The subjects of each of the two High Contracting Parties shall have full liberty to enter, travel, or reside in any part of

the territories of the other Contracting Party, and shall enjoy full and perfect protection for their persons and property.

They shall have free and easy access to the Courts of Justice in pursuit and defence of their rights; they shall be at liberty equally with native subjects to choose and employ lawyers, advocates and representatives to pursue and defend their rights before such Courts, and in all other matters connected with the administration of justice they shall enjoy all the rights and privileges enjoyed by native subjects.

In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind; to the succession to personal estate by will or otherwise, and the disposal of property of any sort in any manner whatsoever, which they may lawfully acquire, the subjects of each Contracting Party shall enjoy in the territories of the other the same privileges, liberties and rights, and shall be subject to no higher imposts or charges in this respect than the subjects or citizens of the most favoured nation. The subjects of each of the High Contracting Parties shall enjoy in the territories of the other the right to exercise their worship, subject to the laws, ordinances, and regulations of the respective countries, and also the right of burying their respective countrymen under the same condition, according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

They shall not be compelled under any pretext whatsoever to pay any charges or taxes other or higher than those that are, or may be paid by native subjects, or subjects and citizens of the most favoured nation.

II. The subjects of either of the Contracting Parties residing in the territories of the other shall be exempted from all compulsory military service whatsoever, whether in the army, navy, national guard or militia; from all contributions imposed in lieu of personal service; and from all forced loans or military exactions or contributions.

III. There shall be reciprocal freedom of commerce and navigation between the territories of the two High Contracting Parties.

The subjects of each of the High Contracting Parties may trade in any part of the territories of the other by wholesale or retail in all kinds of produce, manufactures and merchandize of lawful commerce, either in person or by agents, singly or in partnership with foreigners or native subjects; and they may there own or hire and occupy the houses, manufactories, warehouses, shops, and premises, which may be necessary for them, and lease land for residential and commercial purposes, conforming themselves to the

laws, police, and customs regulations of the country like native subjects.

They shall have liberty freely to come with their ships and cargoes to all places, ports and rivers in the territories of the other, which are, or may be, opened to foreign commerce, and shall enjoy, respectively, the same treatment in matters of commerce and navigation as native subjects, or subjects or citizens of the most favoured nation without having to pay taxes, imposts or duties, of whatever nature or under whatever denomination, levied in the name, or for the profit, of the Government, public functionaries, private individuals, corporations or establishments of any kind, other or greater than those paid by native subjects, or subjects or citizens of the most favoured nation.

It is, however, understood that the provisions of the present and the two preceding Articles in no way annul the laws, ordinances, and special regulations respecting commerce, police, and public security in force in the respective countries applying to foreigners in general.

IV. The dwellings, manufactories, warehouses and shops of the subjects of each of the High Contracting Parties in the territory of the other and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers or accounts, except under the conditions and with the forms prescribed by the laws, ordinances, and regulations for subjects of the country.

V. The subjects of each of the High Contracting Parties shall enjoy in the territories of the other exemption from all transit duties, and a perfect equality of treatment with native subjects in all that relates to warehousing, bounties, facilities and drawbacks.

No merchandize of the territories of either of the Contracting Parties imported into the territory of the other shall be liable to pay higher excise or octroi dues, whether national or local, than those imposed upon the similar merchandize of native production.

Import duties on any particular goods or merchandize may be increased in either country in proportion to the burden imposed upon the similar goods or merchandize by the system of internal duties.

VI. All articles which are, or may be, legally imported into the ports of the territories of His Majesty the Emperor of Japan in Japanese vessels may likewise be imported into those ports in Spanish vessels, without being liable to any other or higher duties or

charges of whatever denomination than if such articles were imported in Japanese vessels; and, reciprocally, all articles which are, or may be, legally imported into the ports of the territories of His Majesty the King of Spain in Spanish vessels may likewise be imported into those ports in Japanese vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Spanish vessels.

In the same manner, there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks allowed, in the territories of either of the High Contracting Parties, on the exportation of any article which is, or may be, legally exported therefrom, whether such exportation shall take place in Japanese or in Spanish vessels, and whatever may be the place of destination, whether a port of either of the Contracting Parties or of any third Power.

VII. No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature or under whatever denomination, levied in the name, or for the profit, of the Government, public functionaries, private individuals, corporations or establishments of any kind, shall be imposed in the ports of the territories of either country upon the vessels of the other country which shall not equally and under the same conditions be imposed in the like cases on national vessels in general or vessels of the most favoured nation. Such equality of treatment shall apply, reciprocally, to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

VIII. In all that regards the stationing, loading and unloading of vessels in the ports, basins, docks, roadsteads, harbours or rivers of the territories of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the High Contracting Parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

IX. The coasting trade of both the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the laws, ordinances, and regulations of Japan and Spain, respectively.

It is, however, understood that Japanese subjects in the territories of His Majesty the King of Spain and Spanish subjects in the territories of His Majesty the Emperor of Japan shall enjoy in this respect the rights which are, or may be, granted under such laws, ordinances, and regulations to the subjects or citizens of any other country.

A Japanese vessel laden in a foreign country with cargo destined
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for two or more ports in the territories of His Majesty the King of Spain, and a Spanish vessel laden in a foreign country with cargo destined for two or more ports in the territories of His Majesty the Emperor of Japan, may discharge a portion of her cargo at one port and continue her voyage to the other port or ports of destination where foreign trade is permitted, for the purpose of landing the remainder of her original cargo there, subject always to the law and custom-house regulations of the two countries.

The Japanese Government, however, agrees to allow Spanish vessels, for the period of the duration of the present Treaty, to carry cargo between the existing open ports of the Empire, excepting to or from the ports of Osaka, Niigata, and Etsu-minato.

X. Any ship of war or merchant-vessel of either of the High Contracting Parties which may be compelled by stress of weather or by reason of any other distress to take shelter in a port of the other shall be at liberty to refit therein, to procure all necessary supplies, and to put to sea again, without paying any dues other than such as would be payable by national vessels. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his cargo in order to defray the expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting Parties should run aground or be wrecked upon the coasts of the other, the local authorities shall inform the Consul-General, Consul-Vice-Consul, or Consular Agent of the district of the occurrence or if there be no such Consular officer they shall inform the Consular officer of the nearest district.

All proceedings relative to the salvage of Japanese vessels wrecked or cast on shore in the territorial waters of His Majesty the King of Spain shall take place in accordance with the laws, ordinances, and regulations of Spain; and, reciprocally, all measures of salvage relative to Spanish vessels wrecked or cast on shore in the territorial waters of His Majesty the Emperor of Japan shall take place in accordance with the laws, ordinances, and regulations of Japan.

Such stranded or shipwrecked vessel, and all parts thereof, and all furnitures and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them. If such owners or agents are not on the spot, the same shall be delivered to the respective Consuls-General, Consuls,

Vice-Consuls, or Consular Agents, upon being claimed by them within the period fixed by the laws of the country, and such Consular officers, owners or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the case of a wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all the duties of the Customs, unless cleared for consumption, in which case they shall pay the ordinary duties.

When a ship or vessel belonging to the subjects of one of the Contracting Parties is stranded or wrecked in the territories of the other, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall be authorized, in case the owner or master or other agent of the owner is not present, to lend their official assistance in order to afford the necessary assistance to the subjects of the respective States. The same rule shall apply in case the owner, master or other agent is present, but requires such assistance to be given.

XI. All vessels which, according to Japanese law, are to be deemed Japanese vessels, and all vessels which, according to Spanish law, are to be deemed Spanish vessels, shall for the purposes of this Treaty be deemed Japanese and Spanish vessels respectively.

XII. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties, residing in the territories of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

It is understood that this stipulation shall not apply to the subjects of the country where the desertion takes place.

XIII. The commercial travellers of either of the High Contracting Parties shall enjoy in the territories of the other the same rights and privileges in respect of patents or permits as are granted, or may hereafter be granted, to commercial travellers of the most favoured nation.

If such commercial travellers shall have paid any customs duties or deposited money on importation of sample goods into either country, they shall be entitled, at the time of re-exportation or re-entry into warehouse, to repayment of such duties paid or money deposited, provided the necessary formalities shall have been complied with in accordance with the customs laws, ordinances, and regulations of the respective countries.

XIV. The High Contracting Parties agree that, in all that concerns commerce and navigation, any privilege, favour, or immunity which either Contracting Party has actually granted, or may hereafter grant, to the Government, ships, subjects or citizens

of any other State shall be extended immediately and unconditionally to the Government, ships or subjects of the other Contracting Party; it being their intention that the trade and navigation of each country should be placed, in all respects, by the other on the footing of the most favoured nation.

It is, however, understood that the stipulation of this Article shall not apply to arrangements regarding Customs Tariff that are or hereafter may be, made respectively with any other countries, nor to the special treatment reserved by Spain to Portugal or to the Spanish-American Republics, provided that such special treatment should only be extended to the said countries.

XV. Each of the High Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents in all the ports, cities and places of the other, except in those where it may not be convenient to recognize such officers.

This exception, however, shall not be made in regard to one of the Contracting Parties without being made likewise in regard to every other Power.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents may exercise all functions, and shall enjoy all privileges, exemptions, and immunities which are, or may hereafter be, granted to Consular officers of the most favoured nation.

XVI. The subjects of each of the High Contracting Parties shall enjoy in the territories of the other the same protection as native subjects in regard to patents, trade-marks and designs, upon fulfilment of the formalities prescribed by law.

XVII. The High Contracting Parties agree to the following arrangement:

The several foreign Settlements in Japan shall be incorporated with the respective Japanese communes, and shall thenceforth form part of the general municipal system of Japan.

The competent Japanese authorities shall thereupon assume all municipal obligations and duties in respect thereof, and the common funds and property, if any, belonging to such Settlements shall at the same time be transferred to the said Japanese authorities.

When such incorporation takes place the existing leases in perpetuity under which property is now held in the said Settlements shall be confirmed, and no conditions whatsoever other than those contained in such existing leases shall be imposed in respect of such property. It is, however, understood that the Consular authorities mentioned in the same are in all cases to be replaced by the Japanese authorities.

All lands which may previously have been granted by the Japanese Government free of rent for the public purposes of Settlements shall, subject to the right of eminent domain, be

permanently reserved free of all taxes and charges for the public purposes for which they were originally set apart.

XVIII. The stipulations of the present Treaty shall be applicable, as far as the laws permit, to the Spanish provinces and possessions beyond the seas.

XIX. The present Treaty shall, from the date it comes into force, be substituted in place of the Treaty of Friendship, Commerce, and Navigation* concluded on the 28th day of the 9th month of the 1st year of Meiji, corresponding to the 12th November, 1868, and the Additional Article of the same date, and all Arrangements and Agreements subsidiary thereto concluded or existing between the High Contracting Parties; and from the same date such Convention, Treaty, Arrangements and Agreements shall cease to be binding, and, in consequence, the jurisdiction then exercised by Spanish Courts in Japan and all the exceptional privileges, exemptions and immunities then enjoyed by Spanish subjects as a part of or appurtenant to such jurisdiction shall absolutely and without notice cease and determine, and thereafter all such jurisdiction shall be assumed and exercised by Japanese Courts.

XX. The present Treaty shall not take effect until the 17th day of the 7th month of the 32nd year of Meiji, corresponding to the 17th day of July, 1899. It shall come into force one year after His Imperial Majesty's Government shall have given notice to His Most Catholic Majesty's Government of its wish to have the same brought into operation.

Such notice may be given at any time after the 16th day of the 7th month of the 31st year of Meiji, corresponding to the 16th day of July, 1898. This Treaty shall remain in force for the period of twelve years from the date it goes into operation.

Either High Contracting Party shall have the right, at any time after eleven years shall have elapsed from the date this Treaty takes effect, to give notice to the other of its intention to terminate the same, and at the expiration of twelve months after such notice is given this Treaty shall wholly cease and determine.

XXI. The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Tôkiô as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Madrid, in duplicate, this 2nd day of the 1st month of the 30th year of Meiji, corresponding to the 2nd day of January, 1897, of the Christian era.

(L.S.) S. KURINO.

(L.S.) EL DUQUE DE TETUAN.

PROTOCOL.

THE Government of His Majesty the Emperor of Japan and the Government of His Most Catholic Majesty the King of Spain, deeming it advisable in the interests of both countries to regulate certain special matters of mutual concern, apart from the Treaty of Friendship and General Intercourse signed this day, have, through their respective Plenipotentiaries, agreed upon the following stipulations:—

1. The High Contracting Parties agree to conclude hereafter a special Commercial Convention based upon the principle of reciprocity for the adjustment of the import duties to be levied upon the goods and merchandize of either of the two Contracting Parties upon importation into the other.

2. It is agreed by the High Contracting Parties that one month after the exchange of the ratifications of the Treaty signed this day, the Import Tariff now in operation in Japan in respect of goods and merchandize imported into Japan by the subjects of His Most Catholic Majesty the King of Spain shall cease to be binding. From the same date the General Statutory Tariff of Japan, for the time being in force, shall, subject to the provisions of Article XXIII of the Treaty of the 12th November, 1868, at present subsisting between the Contracting Parties, as long as the said Treaty remains in force, be applicable to the goods and merchandize of the territories of Spain and her provinces and possessions beyond the seas, upon importation into Japan.

But nothing contained in this Protocol shall be held to limit or qualify the right of the Japanese Government to restrict or to prohibit the importation of adulterated drugs, medicines, food or beverages; indecent or obscene prints, paintings, books, cards, lithographic or other engravings, or any other indecent or obscene articles; articles in violation of patent, trade-mark, or copyright laws of Japan; or any other article which for sanitary reasons or in view of public security or morals might offer any danger.

3. The Japanese Government, pending the opening of the country to Spanish subjects, agrees to extend the existing passport system in such a manner as to allow Spanish subjects, on the production of a certificate from the Spanish Representative in Tôkiô, or from any of His Most Catholic Majesty's Consuls at the open ports in Japan, to obtain upon application passports available for any part of the country, and for any period not exceeding twelve months, from the Imperial Japanese Foreign Office in Tôkiô, or from the chief authorities of the Prefecture in which an open port is situated; it being understood that the existing rules and regula-

ions governing Spanish subjects who visit the interior of the Empire are to be maintained.

4. The Japanese Government undertakes, before the cessation of Spanish Consular jurisdiction in Japan, to join the International Conventions for the Protection of Industrial Property and Copyright.

5. It is understood that all cases pending in the Spanish Consular Courts in Japan at the time of the cessation of the latter shall continue to be subject to the same until finally adjudicated.

6. The High Contracting Parties agree to conclude a special Convention for the mutual surrender of fugitive criminals. Until such Convention shall have been concluded each Contracting Party shall extend to the other the same rights and privileges in the matter, as well as in the execution of requisitions concerning civil and criminal cases, as have been granted, or may hereafter be granted, to the most favoured nation.

7. The High Contracting Parties agree to notify to each other all cases in which either shall have granted its nationality to a subject of the other in accordance with the laws of the country. All such cases of naturalization shall be considered null and void, as regards the country to which such naturalized subjects originally belonged, unless the above-mentioned condition of notification shall have been previously complied with. Should such naturalized subjects go back to the country of origin without intention of returning to that of naturalization, they shall *ipso facto* be bound by all the duties and obligations incumbent upon them as the subjects of their native country, and shall be held to have tacitly renounced the acquired nationality.

A residence exceeding one year shall be held as *prima facie* evidence of such renunciation.

8. The undersigned Plenipotentiaries have agreed that this Protocol shall be submitted to the High Contracting Parties at the same time as the Treaty of Friendship and General Intercourse signed this day, and that when the said Treaty is ratified the Agreements contained in the Protocol shall also equally be considered as approved without the necessity of a further formal ratification.

It is also agreed that this Protocol shall terminate at the same time the said Treaty ceases to be binding.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done at Madrid, in duplicate, this 2nd day of the 1st month of the 30th year of Meiji, corresponding to the 2nd day of January, 1897, of the Christian era.

(L.S.) S. KURINO.

(L.S.) EL DUQUE DE TETUAN.

NOTE of the Spanish Government, relative to Japanese Goods imported into Spain and her Possessions.—Madrid, January : 1897.

(Translation.)

YOUR EXCELLENCY, *Royal Palace, Madrid, January 2, 1897*

I HAVE the honour to inform your Excellency that in accordance with Article 2 of the Protocol signed this day, one month after the exchange of the ratifications of the Treaty of Friendship and General Intercourse to which the said Protocol is attached, and as long as the most favourable treatment is granted by Japan to all articles or merchandize, produced or manufactured in Spain and her provinces and possessions beyond the seas, the Second Column of the respective Import Tariffs of the Peninsula and the Islands of Cuba and Porto Rico will be applied to the produce and manufactures of Japan, proceeding directly therefrom, and in the Philippine Islands the General Tariff in force for other nations.

I avail myself, &c.,

EL DUQUE DE TETUAN

To the Japanese Plenipotentiary ad hoc.

TRAITÉ de Commerce et de Navigation entre le Japon et le Portugal.—Signé à Lisbonne, le 26 Janvier, 1897.

[Ratifications échangées à Lisbonne, le 30 Août, 1897.]

SA Majesté l'Empereur du Japon et Sa Majesté le Roi de Portugal et des Algarves, animés d'un égal désir de maintenir les bons rapports déjà heureusement établis entre eux, en étendant et en augmentant les relations entre leurs États respectifs, et persuadé que ce but ne saurait être mieux atteint que par la revision des Traités jusqu'ici en vigueur entre les deux pays, ont résolu de procéder à cette revision sur les bases de l'équité et de l'intérêt mutuels, et ont nommé, à cet effet, pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur du Japon, M. Soné Arasuké, Jushii, troisième classe de l'Ordre Impérial du Trésor Sacré, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour de Sa Majesté Très-Fidèle ;

Sa Majesté le Roi de Portugal et des Algarves, le Conseiller Luiz Maria Pinto do Soveral, Ministre et Secrétaire d'État des

Affaires Étrangères, Grand Cordon de l'Ordre du Christ, de l'Ordre le Saint-Michel et de Saint-Georges d'Angleterre et de l'Ordre de Ernest Pie de Saxe-Cobourg-Gotha, &c. ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et conclu les Articles suivants:—

ART. I. Les sujets de chacune des deux Hautes Parties Contractantes auront toute liberté d'entrer, de voyager, ou de résider en un lieu quelconque du territoire de l'autre, et y jouiront d'une pleine et entière protection pour leurs personnes et leurs propriétés.

Ils auront un accès libre et facile aux Tribunaux pour la poursuite ou la défense de leurs droits ; ils auront, sur le même pied que les sujets du pays, la faculté de choisir et d'employer des avoués, des avocats, et des mandataires, afin de poursuivre et de défendre leurs droits devant ces Tribunaux, et, quant aux autres matières qui se rapportent à l'administration de la justice, ils jouiront de tous les droits et privilèges dont jouissent les sujets du pays.

Pour tout ce qui concerne le droit de résidence et de voyage, la possession des biens et effets mobiliers, de quelque espèce que ce soit, la transmission des biens mobiliers par succession testamentaire ou autre, et le droit de disposer, de quelque manière que ce soit, des biens de toutes sortes qu'ils peuvent légalement acquérir, les sujets de chacune des deux Parties Contractantes jouiront, dans le territoire de l'autre, des mêmes privilèges, libertés, et droits, et ne seront soumis, sous ce rapport, à aucuns impôts ou charges plus élevés, que les sujets du pays ou les sujets ou citoyens de la nation la plus favorisée. Les sujets de chacune des Parties Contractantes jouiront, dans le territoire de l'autre, d'une liberté entière de conscience, et pourront, en se conformant aux lois, ordonnances, et règlements, se livrer à l'exercice privé ou public de leur culte ; ils jouiront aussi du droit d'inhumer leurs nationaux respectifs, suivant leurs coutumes religieuses, dans des lieux convenables et appropriés qui seront établis et entretenus à cet effet.

Ils ne seront contraints, sous aucun prétexte, à payer des charges ou taxes autres ou plus élevées que celles qui sont ou seront imposées aux sujets du pays ou aux sujets ou citoyens de la nation la plus favorisée.

Les sujets de chacune des Parties Contractantes qui résident dans le territoire de l'autre ne seront astreints à aucun service militaire obligatoire, soit dans l'armée ou la marine, soit dans la garde nationale ou la milice ; ils seront exempts de toutes contributions imposées en lieu et place du service personnel, de tous emprunts forcés et de toutes exactions ou de contributions militaires.

II. Il y aura, entre les territoires des deux Hautes Parties Contractantes, liberté réciproque de commerce et de navigation.

Les sujets de chacune des Parties Contractantes pourront exercer,

en quelque lieu que ce soit du territoire de l'autre, le commerce en gros ou en détail de tous produits, objets fabriqués et marchandises de commerce licite, soit en personne, soit par leurs représentants, tant seuls qu'en société avec des étrangers ou des sujets du pays; ils pourront y posséder ou louer, même par bail emphytéotique, et occuper des maisons, des fabriques, des magasins et des boutiques, et louer des terrains et les prendre à bail emphytéotique, à l'effet d'y résider ou d'y exercer leur profession, le tout en se conformant aux lois, aux règlements de police et de douane du pays, comme les nationaux eux-mêmes.

Ils auront pleine liberté de se rendre avec leurs navires et leurs cargaisons dans tous les lieux, ports et rivières du territoire de l'autre qui sont ou pourront être ouverts au commerce étranger, et ils jouiront respectivement, en matière de commerce et de navigation, du même traitement que les sujets ou citoyens de la nation la plus favorisée, sans avoir à payer aucuns impôts, taxes ou droits, de quelque nature ou dénomination que ce soit, perçus au nom ou au profit du Gouvernement, des fonctionnaires publics, des particuliers, des corporations ou établissements quelconques, autres ou plus élevés que ceux imposés aux sujets ou citoyens de la nation la plus favorisée.

Il est toutefois entendu que les stipulations contenues dans cet Article, ainsi que dans l'Article précédent, ne dérogent en rien aux lois, ordonnances, et règlements spéciaux en matière de commerce, d'agriculture, de mines, de pêche, de police, et de sécurité publique en vigueur dans chacun des deux pays et applicables à tous les étrangers en général.

III. Les habitations, fabriques, magasins, et boutiques des sujets de chacune des Hautes Parties Contractantes dans le territoire de l'autre, ainsi que leurs dépendances, seront respectés.

Il ne sera pas permis de procéder à des perquisitions ou visites domiciliaires dans ces habitations, fabriques, magasins, et boutiques, ou bien d'examiner ou d'inspecter les livres, papiers ou comptes, sauf dans les conditions et formes prescrites par les lois, ordonnances, et règlements applicables aux sujets du pays.

IV. Il ne sera imposé à l'importation directe dans le territoire de Sa Majesté le Roi de Portugal, de tous articles produits ou fabriqués dans le territoire de Sa Majesté l'Empereur du Japon, énumérés à la Table (A), de quelque endroit qu'ils viennent, et à l'importation directe dans le territoire de Sa Majesté l'Empereur du Japon, de tous articles produits ou fabriqués dans le territoire de Sa Majesté le Roi de Portugal énumérés à la Table (B), de quelque endroit qu'ils viennent, aucuns droits autres ou plus élevés que ceux imposés sur les articles similaires produits ou fabriqués dans tout autre pays étranger.

L'importation directe consiste dans l'embarquement des marchandises dans un port de l'une des Hautes Parties Contractantes et dans leur débarquement, durant le même voyage, dans un port de l'autre Partie Contractante, quelle que soit la nationalité du navire, et bien que celui-ci aborde, en escale ou en relâche, un ou plusieurs ports d'une tierce Puissance. Elle est démontrée par le manifeste et les connaissements. Est assimilée à l'importation directe l'importation sous connaissement direct (through-bill of lading), quand bien même les marchandises spécifiées sur le dit connaissement auraient été transbordées ou déposées dans les entrepôts d'une tierce Puissance. Dans ce cas il sera exigé le certificat d'origine.

De même, aucune prohibition ne sera maintenue ou imposée sur l'importation dans le territoire de l'une des Parties Contractantes d'un article quelconque produit ou fabriqué dans le territoire de l'autre, de quelque endroit qu'il vienne, à moins que cette prohibition ne soit également appliquée à l'importation des articles similaires produits ou fabriqués dans tout autre pays.

Cette dernière disposition n'est pas applicable aux prohibitions d'articles qui, pour des raisons sanitaires ou en vue de la sécurité ou de la morale publique, pourront offrir quelque danger; elle n'est aussi applicable à d'autres prohibitions, provenant de la nécessité de protéger les droits de propriété commerciale, industrielle, ou littéraire, et de protéger la conservation du bétail et des plantes à l'agriculture.

V. Il ne sera imposé dans le territoire de chacune des Hautes Parties Contractantes, à l'exportation d'un article quelconque à destination du territoire de l'autre, aucuns droits ou charges autres ou plus élevés que ceux qui sont ou seront payables à l'exportation des articles similaires à destination d'un autre pays étranger quel qu'il soit; de même, aucune prohibition ne sera imposée à l'exportation d'aucun article du territoire de l'une des Parties Contractantes à destination du territoire de l'autre, sans que cette prohibition soit également étendue à l'exportation des articles similaires à destination de tout autre pays.

VI. Les sujets de chacune des Hautes Parties Contractantes seront exempts, dans le territoire de l'autre, de tout droit de transit, et jouiront d'une parfaite égalité de traitement avec les sujets du pays relativement à tout ce qui concerne l'emmagasinage, les primes, les facilités, et les drawbacks.

VII. Tous les articles qui sont ou pourront être légalement importés dans les ports du territoire de Sa Majesté l'Empereur du Japon sur des navires Japonais pourront, de même, être importés dans ces ports sur des navires Portugais; dans ce cas, ces articles n'auront à payer aucuns droits ou charges, de quelque dénomination

que ce soit, autres ou plus élevés que ceux imposés sur les mêmes articles importés par des navires Japonais. Réciproquement, tous les articles qui sont ou pourront être légalement importés dans les ports du territoire de Sa Majesté le Roi de Portugal sur des navires Portugais pourront, de même, être importés dans ces ports sur des navires Japonais ; dans ce cas, ces articles n'auront à payer aucuns droits ou charges, de quelque dénomination que ce soit, autres ou plus élevés que ceux imposés sur les mêmes articles importés par des navires Portugais.

Cette égalité réciproque de traitement sera accordée indistinctement, soit que ces articles viennent directement des pays d'origine, soit qu'ils viennent de tout autre lieu.

De la même manière, il y aura parfaite égalité de traitement relativement à l'exportation ; ainsi, les mêmes droits d'exportation seront payés, et les mêmes primes et drawbacks seront accordés, dans les territoires de chacune des Hautes Parties Contractantes, sur l'exportation de tout article qui est ou pourra être légalement exporté, que cette exportation ait lieu sur des navires Japonais ou sur des navires Portugais et quel que soit le lieu de destination, qu'il soit un des ports de chacune des Parties Contractantes ou un des ports d'une Puissance tierce.

VIII. Aucun droit de tonnage, de port, de pilotage, de phare, de quarantaine ou autres droits similaires ou analogues, de quelque nature ou sous quelque dénomination que ce soit, levés au nom ou au profit du Gouvernement, des fonctionnaires publics, des particuliers, des corporations ou des établissements de toutes sortes, qui ne seraient également et sous les mêmes conditions imposés, en pareil cas, sur les navires de la nation la plus favorisée, ne seront imposés dans les ports des territoires de chacun des deux pays, sur les navires de l'autre.

Toutefois cette disposition ne portera pas sur les Traités que le Portugal a conclus avec la République Sud-Africaine, le 11 Décembre, 1875,* et l'État Libre d'Orange, le 10 Mars, 1876,† ni sur les stipulations intervenues ou qui pourront intervenir entre le Portugal et le Brésil.

IX. En tout ce qui concerne le placement, le chargement, et le déchargement des navires dans les ports, bassins, docks, rades, havres ou rivières des territoires des deux pays, les navires Japonais et les navires Portugais jouiront réciproquement au Portugal et au Japon des privilèges accordés aux navires de la nation la plus favorisée.

X. Le cabotage dans les territoires de l'une et de l'autre des Hautes Parties Contractantes sera régi par les lois, ordonnances, et

* Vol. LXVII, page 1256.

† Vol. LXVII, page 745.

règlements du Japon et du Portugal respectivement. Il est toutefois entendu que les sujets Japonais dans le territoire de Sa Majesté le Roi de Portugal et les sujets Portugais dans le territoire de Sa Majesté l'Empereur du Japon jouiront, sous ce rapport, des droits qui sont ou pourront être accordés par ces lois, ordonnances, et règlements aux sujets ou citoyens de tout autre pays.

Tout navire Japonais chargé à l'étranger d'une cargaison destinée à deux ou plusieurs ports du territoire du Portugal, et tout navire Portugais chargé à l'étranger d'une cargaison destinée à deux ou plusieurs ports du territoire de Sa Majesté l'Empereur du Japon, pourra décharger une partie de sa cargaison dans un port, et continuer son voyage pour l'autre ou les autres ports de destination où le commerce étranger est autorisé, dans le but d'y décharger le reste de sa cargaison d'origine, en se conformant toujours aux lois et aux règlements de douane des deux pays.

XI. Tout vaisseau de guerre ou navire de commerce de l'une ou de l'autre des Hautes Parties Contractantes qui serait forcé, par un mauvais temps ou par suite de tout autre danger, de s'abriter dans un port de l'autre, aura la liberté de s'y faire réparer, de s'y procurer toutes les provisions nécessaires et de reprendre la mer, sans payer d'autres charges que celles qui seraient payées par les navires nationaux. Dans le cas, cependant, où le capitaine du navire de commerce se trouverait dans la nécessité de vendre une partie de sa cargaison pour payer les frais, il sera obligé de se conformer aux règlements et tarifs du lieu où il aurait relâché.

Si un vaisseau de guerre ou un navire de commerce de l'une des Parties Contractantes a échoué ou naufragé sur les côtes de l'autre, les autorités locales en informeront le Consul-Général, le Consul, le Vice-Consul, ou l'Agent Consulaire du lieu de l'accident, et, s'il n'y existe pas de ces officiers Consulaires, elles en informeront le Consul-Général, le Consul, le Vice-Consul, ou l'Agent Consulaire du district le plus voisin.

Toutes les opérations relatives au sauvetage des navires Japonais naufragés ou échoués dans les eaux territoriales de Sa Majesté le Roi de Portugal auront lieu conformément aux lois, ordonnances, et règlements du Portugal, et, réciproquement, toutes les mesures de sauvetage relatives aux navires Portugais naufragés ou échoués dans les eaux territoriales de Sa Majesté l'Empereur du Japon auront lieu conformément aux lois, ordonnances, et règlements du Japon.

Tous navires ou vaisseaux ainsi échoués ou naufragés, tous débris et accessoires, toutes fournitures leur appartenant, et tous effets et marchandises sauvés des dits navires ou vaisseaux, y compris ceux qui auraient été jetés à la mer ou les produits des dits objets, s'ils sont vendus, ainsi que tous papiers trouvés à bord de ces navires

ou vaisseaux échoués ou naufragés, seront remis aux propriétaires ou à leurs représentants, quand ils les réclameront. Dans le cas où ces propriétaires ou représentants ne se trouveraient pas sur les lieux, les dits produits ou objets seront remis aux Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires respectifs, sur leur réclamation, dans le délai fixé par les lois du pays, et ces officiers Consulaires, propriétaires ou représentants payeront seulement les dépenses occasionnées pour la conservation des dits objets, ainsi que les frais de sauvetage ou autres dépenses auxquels seraient soumis, en cas de naufrage, les navires nationaux.

Les effets et marchandises sauvés du naufrage seront exempts de tous droits de douane, à moins qu'il n'entrent à la douane pour la consommation intérieure, auquel cas ils payeront les droits ordinaires.

Dans le cas où un navire appartenant aux sujets de l'une des Parties Contractantes ferait naufrage ou échouerait sur le territoire de l'autre, les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires respectifs seront autorisés, en l'absence du propriétaire, capitaine ou autre représentant du propriétaire, à prêter leur appui officiel pour procurer toute l'assistance nécessaire aux sujets des États respectifs. Il en sera de même dans le cas où le propriétaire, capitaine ou autre représentant serait présent, et demanderait une telle assistance.

XII. Tous les navires qui, conformément aux lois Japonaises, sont considérés comme navires Japonais, et tous les navires qui, conformément aux lois Portugaises, sont considérés comme navires Portugais, seront respectivement considérés comme navires Japonais et Portugais pour le but de ce Traité.

XIII. Si un marin déserte d'un vaisseau de guerre ou d'un navire de commerce appartenant à l'une ou l'autre des Hautes Parties Contractantes sur le territoire de l'autre, les autorités locales seront tenues de prêter toute l'assistance en leur pouvoir pour l'arrestation et la remise de ce déserteur, sur la demande qui leur sera adressée par le Consul du pays auquel appartient le navire ou vaisseau du déserteur ou par le représentant du dit Consul.

Il est entendu que cette stipulation ne s'appliquera pas aux sujets du pays où la désertion a eu lieu.

XIV. Les Hautes Parties Contractantes conviennent qu'en tout ce qui concerne l'exercice du commerce, la navigation, et l'industrie, aucuns privilèges, faveurs, ou immunités que l'une ou l'autre des Parties Contractantes a déjà accordés ou accorderait à l'avenir au Gouvernement ou aux sujets ou citoyens de tout autre État seront étendus immédiatement et sans condition au Gouvernement ou aux sujets de l'autre Partie Contractante, leur intention étant que

l'exercice du commerce, la navigation et l'industrie de chaque pays soient placés, à tous égards, par l'autre, sur le pied de la nation la plus favorisée.

Les prescriptions de cet Article et de l'Article IV ne s'appliquent pas aux faveurs ayant le caractère de privilèges que le Portugal a accordées ou accordera à l'Espagne et au Brésil.

XV. Chacune des Hautes Parties Contractantes pourra nommer les Consuls-Généraux, Consuls, Vice-Consuls, Pro-Consuls, et Agents Consulaires dans tous les ports, villes, et places de l'autre, sauf dans les localités où il y aurait inconvénient à admettre de tels officiers Consulaires.

Cette exception ne sera cependant pas faite à l'égard de l'une des Parties Contractantes, sans l'être également à l'égard de toutes les autres Puissances.

Les Consuls-Généraux, Consuls, Vice-Consuls, Pro-Consuls, et Agents Consulaires exerceront toutes leurs fonctions et jouiront de tous les privilèges, exemptions, et immunités qui sont ou seront accordés à l'avenir aux officiers Consulaires de la nation la plus favorisée.

XVI.* Les sujets de chacune des Hautes Parties Contractantes jouiront, sur le territoire de l'autre, de la même protection que les sujets du pays relativement aux patentes, marques de fabrique et dessins, en remplissant les formalités prescrites par la loi.

XVII. Le Gouvernement de Sa Majesté le Roi de Portugal donne, en ce qui le concerne, son adhésion à l'arrangement suivant:—

Les divers quartiers étrangers qui existent au Japon seront incorporés aux communes respectives du Japon et feront dès lors partie du système municipal du Japon.

Les autorités Japonaises compétentes assumeront en conséquence toutes les obligations et tous les devoirs municipaux qui résultent de ce nouvel état de choses, et les fonds et biens municipaux qui pourraient appartenir à ces quartiers seront, de plein droit, transférés aux dites autorités Japonaises.

Lorsque les changements ci-dessus indiqués auront été effectués, les baux à perpétuité en vertu desquels les étrangers possèdent actuellement des propriétés dans les quartiers seront confirmés, et les propriétés de cette nature ne donneront lieu à aucuns impôts, taxes, charges, contributions ou conditions quelconques autres que ceux expressément stipulés dans les baux en question. Il est toutefois entendu qu'aux autorités Consulaires dont il y est fait mention seront substituées les autorités Japonaises.

Les terrains que le Gouvernement Japonais aurait concédés

* See Article 3 of Protocol, page 978.

exempts de rentes, vu l'usage public auquel ils étaient affectés, resteront, sous la réserve des droits de la souveraineté territoriale, affranchis d'une manière permanente de tous impôts, taxes, et charges, et ils ne seront point détournés de l'usage auquel ils étaient primitivement destinés.

XVIII. Le présent Traité prendra, du jour où il entrera en vigueur, lieu et place des stipulations du Traité et de tous les Arrangements et Conventions subsidiaires existant entre les Hautes Parties Contractantes, et à partir du même jour les dites stipulations, Arrangements, et Conventions cesseront d'être obligatoires.

XIX. Le présent Traité entrera en vigueur le 17^e jour du 7^e mois de la 32^e année de Meiji, correspondant au 17 Juillet, 1899, et il restera valable pendant une période de douze ans après le jour où il entrera en vigueur. Il sera exécutoire, pour le Portugal, dans la métropole, aux îles adjacentes (Madère, Porto-Santo, et Azores), et à Macau.

L'une ou l'autre des Hautes Parties Contractantes aura le droit, à un moment quelconque après que onze ans se seront écoulés depuis l'entrée en vigueur de ce Traité, de notifier à l'autre son intention de mettre fin au présent Traité, et à l'expiration de douze mois après cette notification ce Traité cessera et finira entièrement.

XX. Le présent Traité sera ratifié par les Hautes Parties Contractantes et les ratifications en seront échangées à Lisbonne au plus tôt possible, n'excédant pas le délai de six mois après la signature.

En foi de quoi les Plénipotentiaires des deux pays ont signé le présent Traité, fait en double exemplaire et écrit en langue Française, et y ont apposé leurs sceaux.

Fait à Lisbonne, le 26^e jour du 1^{er} mois de la 30^e année de Meiji, correspondant au 26 Janvier, 1897.

(L.S.) SONE ARASUKÉ.

(L.S.) LUIZ DO SOVERAL.

TABLE (A),

Produits Japonais qui jouiront du Traitement de la Nation la plus favorisée à leur Importation au Portugal, Madère, Porto-Santo, Azores, et Macau.

Acide sulphurique.	Éventails.
Allumettes.	Feuilles de tabac.
Antimoine.	Fils de coton, simples, et tissus de
Bronze.	coton.
Camphre : crue et raffinée.	Graines et huiles de colza.
Charbon.	Huile de camphre.
Cire végétale.	Huiles de poisson.
Cuivre : lingots et feuilles.	Manganèse.
Essence de menthe poivrée.	Menthol et cristaux de menthol.

Nattes et paillassons.	Poissons de toute sorte, y compris coquillages : frais, salés, séchés, pressés, fumés, ou en saumure.
Ouvrages en bambou, cloisonné, glace, ivoire, écaille, laque, bois, porcelaine, et terre.	Riz.
Ouvrages en bronze.	Soie : crue, en déchets, bourre, cocons, fils de toute sorte, et tissus.
Ouvrages en cuivre.	Soufre.
Ouvrages en papier.	Thé.
Papier de toute espèce.	Tresses et bandes tissées de paille.
Plantes marines.	
Paravents.	

TABLE (B).

Produits Portugais qui jouiront du Traitement de la Nation la plus favorisée à leur Importation au Japon.

Note.—Cette Table s'applique non seulement aux produits de la métropole, mais également aux produits des Colonies respectives, exportés de la métropole et de Macau.

Cacao en fèves et écale de cacao brut.	Légumes non préparés ou en conserve.
Café brut en fèves.	Liège ouvré.
Chandelles et bougies.	Ouvrages en métaux.
Chapeaux, y compris les chapeaux de feutre.	Ouvrages en tissu de coton, de laine, ou de lin.
Cuir de toute sorte.	Ouvrages en cuirs.
Dentelles de toute sorte, en lin ou coton.	Plomb en saumons, lingots, et plaques.
Fruits et baies : frais, salés, séchés en saumure, sucrés, ou préparés à l'huile ou au vinaigre, même en récipients de verre, de terre cuite, de fer blanc, ou autres hermétiquement fermés.	Poissons marinés à l'huile, en récipients hermétiquement fermés.
Huiles végétales (huiles d'olives, d'arachides, de sésame, de coco, et de palme).	Savons.
Huiles minérales.	Sels de quinine.
	Sucre.
	Tissus de laine, de lin, et de coton.
	Verres à vitres.
	Vins de toute espèce en fûts, barils, ou bouteilles, quel que soit leur titrage alcoolique.

PROTOCOLE.

Le Gouvernement de Sa Majesté l'Empereur du Japon et le Gouvernement de Sa Majesté le Roi de Portugal et des Algarves, jugeant utile, dans l'intérêt des deux pays, de régler certaines matières spéciales qui les concernent mutuellement, séparément du Traité de Commerce et de Navigation signé en ce jour, sont convenus, par leurs Plénipotentiaires respectifs, des dispositions suivantes :—

[1896-97. LXXXIX.]

1. Il est convenu par les Parties Contractantes qu'un ~~mai~~ après l'échange des ratifications du Traité de Commerce et de Navigation signé en ce jour, le Tarif d'Importation aujourd'hui en vigueur à l'égard des articles et marchandises importés au Japon par les sujets de Sa Majesté le Roi de Portugal cessera d'être obligatoire. A partir du même moment le Tarif Général établi par la loi intérieure du Japon sera applicable aux articles et marchandises produits ou manufacturés du territoire de Sa Majesté le Roi de Portugal sur leur importation au Japon, sous réserve des stipulations de l'Article XXIII du Traité existant entre les deux Parties Contractantes, aussi longtemps que les dites stipulations resteront en vigueur, puis subséquemment de l'Article IV du Traité signé en ce jour. Mais aucune disposition de ce Protocole n'aura pour effet de limiter le droit du Gouvernement Japonais de restreindre ou de prohiber l'importation des drogues, médecines, aliments ou boissons altérés ; des gravures, peintures, livres, cartes, gravures lithographiées ou autres, et photographies indécentes ou obscènes, ou tous autres articles indécents ou obscènes ; articles en violation des lois Japonaises sur les patentes, les marques de fabrique ou la propriété littéraire ; ou tout autre article qui, pour des raisons sanitaires ou en vue de la sécurité ou de morale publique, pourra offrir quelque danger.

Il est toutefois entendu que dans le cas où l'application du principe de la nation la plus favorisée en matière des droits de douane, garanti par le Traité signé en ce jour, aussi bien que par ce Protocole, se trouvera non satisfaisante dans la pratique, les deux Gouvernements s'accorderont à substituer le Tarif Conventionnel concernant les articles d'exportation ayant un intérêt spécial pour chacun des deux pays.

2. Le Gouvernement Japonais consent, en attendant l'ouverture complète du pays aux sujets Portugais, d'étendre le système existant des passeports de façon à permettre aux Portugais, sur la production d'un certificat favorable émanant de la Légation du Portugal à Tôkiô ou de l'un quelconque des Consuls du Portugal dans les ports ouverts, d'obtenir sur leur demande du Ministre Impérial des Affaires Étrangères ou des autorités principales de la Préfecture dans laquelle est situé un port ouvert, des passeports valables pour toute l'étendue du pays et pour toute période n'excédant pas douze mois.

Il est bien entendu que, sous cette réserve, les lois et règlements existants et régissant les sujets Portugais qui voyagent dans l'Empire du Japon sont maintenus.

3. Le Gouvernement Japonais consent que l'Article XVI du Traité signé en ce jour pourra être mis en vigueur à partir du jour de l'échange des ratifications du dit Traité.

4. Les Plénipotentiaires soussignés ont convenu que ce Protocole sera soumis à l'approbation des deux Hautes Parties Contractantes en même temps que le Traité de Commerce et de Navigation signé en ce jour, et que, quand le dit Traité sera ratifié, les stipulations contenues dans ce Protocole seront également considérées comme approuvées, sans qu'il soit nécessaire d'une ratification formelle ultérieure.

Il est également convenu que ce Protocole prendra fin en même temps que le dit Traité cessera d'être obligatoire.

En foi de quoi les Plénipotentiaires des deux pays ont signé le présent Protocole et y ont apposé leurs sceaux.

Fait à Lisbonne, en double exemplaire, le 26^e jour du 1^{er} mois de la 30^e année de Meiji, correspondant au 26 Janvier, 1897.

(L.S.) SONÉ ARASUKÉ.

(L.S.) LUIZ DO SOVERAL.

TRAITÉ de Commerce et de Navigation entre le Japon et l'Autriche-Hongrie.—Signé à Vienne, le 5 Décembre, 1897.

[Ratifications échangées à Vienne, le 30 Novembre, 1898.]

Sa Majesté l'Empereur du Japon et Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, animés d'un égal désir de maintenir les bons rapports déjà heureusement établis entre eux, en étendant et en augmentant les relations entre leurs États respectifs, et persuadés que ce but ne saurait être mieux atteint que par la revision du Traité jusqu'ici en vigueur entre leurs pays, ont résolu de procéder à cette revision sur les bases de l'équité et de l'intérêt mutuels, et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur du Japon, le Sieur Takahira Kogoro, Shoshii, deuxième classe de l'Ordre Impérial du Soleil Levant, son Envoyé Extraordinaire et Ministre Plénipotentiaire à Vienne ; et

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, le Sieur Agenor Goluchowski de Goluchowo, son Conseiller Intime Actuel, Chambellan, Ministre de la Maison Impériale et Royale et des Affaires Étrangères, Chevalier de l'Ordre de la Toison d'Or et Chevalier de première classe de l'Ordre Impérial de la Couronne de Fer ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, ont conclu le présent Traité de Commerce et de Navigation :—

ART. I.* Les sujets de chacune des Hautes Parties Contractantes auront toute liberté d'entrer, de voyager, ou de résider en un lieu quelconque des territoires de l'autre, et y jouiront d'une pleine et entière protection pour leurs personnes et leurs propriétés.

Ils auront un libre et facile accès auprès des Tribunaux de justice tant pour réclamer que pour défendre leurs droits ; ils seront sur le même pied que les nationaux, libres de choisir et d'employer des avoués, avocats et mandataires afin de poursuivre et de défendre leurs droits devant ces Tribunaux. Quant aux autres matières qui se rapportent à l'administration de la justice, ils jouiront de tous les droits et privilèges dont jouissent les nationaux.

Pour tout ce qui concerne le droit de résider et de voyager, de posséder des biens et effets mobiliers quelconques, de déposer, de quelque manière que ce soit, des biens de toutes sortes qu'ils peuvent légalement acquérir, et transmettre par succession, par testament ou autre manière, les sujets de chacune des Hautes Parties Contractantes jouiront, dans les territoires de l'autre, des mêmes privilèges, libertés, et droits que les nationaux ou les sujets de la nation la plus favorisée, sans pouvoir être tenus à acquitter des impôts ou taxes autres ou plus élevés. Les sujets de chacune des Hautes Parties Contractantes jouiront, dans les territoires de l'autre, d'une entière liberté de conscience et pourront, en se conformant aux lois, ordonnances, et règlements du pays, se livrer à l'exercice privé ou public de leur culte ; ils jouiront aussi du droit d'inhumier leurs nationaux respectifs, suivant leurs coutumes religieuses, dans des lieux convenables et appropriés qui seront établis et entretenus à cet effet.

Ils ne seront contraints, sous aucun prétexte, à subir des charges ou à payer des taxes autres ou plus élevées que celles qui sont ou seront perçues sur les nationaux ou les sujets de la nation la plus favorisée.

II. Les sujets de chacune des Parties Contractantes qui résident dans les territoires de l'autre ne seront astreints à aucun service militaire obligatoire, soit dans l'armée ou la marine, soit dans la garde nationale ou la milice ; ils seront exempts de toutes contributions imposées en lieu et place du service personnel et de tous emprunts forcés, de toutes exactions ou de contributions militaires.

Sont toutefois exceptées les charges qui sont attachées à la possession d'un bien-fonds, ainsi que les prestations et réquisitions militaires auxquelles tous les nationaux peuvent être appelés à se soumettre comme propriétaires, fermiers, ou locataires d'immeubles, en tant que la possession d'un bien-fonds ou d'immeubles sera permise.

* See Final Protocol, page 988.

III.* Il y aura réciproquement pleine et entière liberté de commerce et de navigation entre les territoires des Hautes Parties Contractantes.

Les sujets de chacune des Hautes Parties Contractantes pourront, en quelque lieu que ce soit des territoires de l'autre, faire le commerce tant en gros qu'en détail de tous produits, objets fabriqués, tous articles de commerce licite, soit en personne, soit par leurs agents, seuls ou en entrant en société avec des étrangers ou avec des nationaux ; ils pourront y posséder, louer, et occuper des maisons et boutiques, des fabriques, des magasins, louer des terres à l'effet d'y résider ou d'y exercer une industrie ou faire le commerce, le tout en se conformant comme les nationaux eux-mêmes aux lois, aux règlements de police et de douane du pays.

Ils auront pleine liberté d'entrer avec leurs navires et leurs cargaisons dans tous les ports et rivières de leurs territoires respectifs qui sont ou pourront être ouverts au commerce extérieur, et jouiront, en matière de commerce, d'industrie, et de navigation, du même traitement que les nationaux ou les sujets de la nation la plus favorisée, sans avoir à payer aucuns impôts, taxes, ou droits, de quelque nature ou de quelque dénomination que ce soit, perçus au nom ou au profit du Gouvernement, de fonctionnaires publics, de particuliers, de corporations ou d'établissements quelconques, autres ou plus élevés que ceux imposés aux nationaux ou aux sujets de la nation la plus favorisée ; le tout en se conformant aux lois, ordonnances, et règlements des pays respectifs.

IV. Les habitations, fabriques, magasins, et boutiques des sujets de chacune des Hautes Parties Contractantes dans les territoires de l'autre, ainsi que leurs dépendances, servant soit à la demeure, soit à l'industrie ou au commerce, seront respectés.

Il ne sera point permis d'y procéder à des perquisitions ou visites domiciliaires non plus que d'examiner ou d'inspecter les livres, papiers, ou comptes, sauf dans les conditions et formes prescrites par les lois, ordonnances, et règlements applicables aux nationaux ou aux sujets de la nation la plus favorisée.

V.* Il ne sera imposé à l'importation dans la Monarchie Austro-Hongroise de tous articles produits ou fabriqués dans le territoire de Sa Majesté l'Empereur du Japon, de quelque endroit qu'ils viennent, et à l'importation dans le territoire de Sa Majesté l'Empereur du Japon de tous articles produits ou fabriqués dans la Monarchie Austro-Hongroise, de quelque endroit qu'ils viennent, aucun droit autre ou plus élevé que celui imposé aux articles similaires produits ou fabriqués dans tout autre pays étranger.

De même, aucune prohibition d'importation ne sera établie dans

* See Final Protocol, page 988.

les territoires de l'une des Hautes Parties Contractantes sur un article quelconque produit ou fabriqué dans les territoires de l'autre, de quelque endroit qu'il vienne, à moins que cette prohibition ne soit appliquée en même temps à l'importation des articles similaires produits ou fabriqués dans tout autre pays. Cette dernière disposition n'est pas applicable aux prohibitions sanitaires ou autres provenant de la nécessité de protéger la sécurité des personnes, ainsi que la conservation du bétail et des plantes utiles à l'agriculture.

VI. Il ne sera imposé dans les territoires de chacune des Hautes Parties Contractantes, à l'exportation d'un article quelconque à destination des territoires de l'autre, aucun droit ou charge autre ou plus élevé que ceux qui sont ou seront payables à l'exportation des articles similaires à destination d'un autre pays étranger quel qu'il soit ; de même, aucune prohibition ne sera imposée à l'exportation d'aucun article des territoires de l'une des Parties Contractantes à destination des territoires de l'autre sans que cette prohibition soit également étendue à l'exportation des articles similaires à destination de tout autre pays.

VII. Les sujets de chacune des Hautes Parties Contractantes jouiront dans les territoires de l'autre de l'exemption de tous droits de transit, et d'une parfaite égalité de traitement avec les nationaux pour tout ce qui concerne le magasinage, les primes, les facilités, et les drawbacks.

VIII. Les objets passibles d'un droit d'entrée qui sont importés comme échantillons par des marchands, des industriels, ou des commis-voyageurs seront, de part et d'autre, admis en franchise de droits d'entrée et de sortie à la condition que ces objets soient réexportés, sans avoir été vendus, dans le délai fixé par les lois du pays respectif et sous réserve de l'accomplissement des formalités de douane pour en assurer la réexportation ou la réintégration en entrepôt. La réexportation des échantillons devra être garantie dans les territoires des Hautes Parties Contractantes immédiatement au premier lieu d'entrée, soit par dépôt du montant des droits de douane respectifs, soit par cautionnement.

Seront de même exempts de part et d'autre des droits d'entrée les cartes d'échantillons, les échantillons en morceaux coupés de la pièce ou les échantillons représentant les marchandises, en tant qu'ils ne peuvent servir à aucun autre usage, même lorsqu'ils seront importés d'une manière autre que celle prévue dans l'alinéa précédent.

IX. S'il est prélevé dans les territoires de l'une des Hautes Parties Contractantes dans le pays entier ou dans une circonscription restreinte un droit interne, soit pour le compte de l'État, soit pour celui d'une commune ou d'une corporation, de la production, de la fabrication, ou de la consommation d'un article, l'article similaire

qui serait importé des territoires de l'autre Partie Contractante ne pourra, dans ce pays ou dans cette circonscription, être grevé que du droit égal et non d'un droit plus élevé ni plus onéreux.

Il ne pourra être prélevé des droits internes quelconques dans le cas où les articles de même nature ne seraient pas produits ou fabriqués ou ne seraient pas frappés des mêmes droits dans ce pays ou dans cette circonscription.

X. Tous les articles qui sont ou pourront être légalement importés dans les ports du territoire de Sa Majesté l'Empereur du Japon sur des navires Japonais pourront, de même, être importés dans ces ports sur des navires Autrichiens ou Hongrois ; dans ce cas, ces articles n'auront à payer aucuns droits ou charges, de quelque dénomination que ce soit, autres ou plus élevés que ceux imposés sur les mêmes articles importés par des navires Japonais. Réciproquement, tous les articles qui sont ou pourront être légalement importés dans les ports Autrichiens ou Hongrois sur des navires Autrichiens ou Hongrois pourront, de même, être importés dans ces ports sur des navires Japonais ; dans ce cas, ces articles n'auront à payer aucuns droits ou charges, de quelque dénomination que ce soit, autres ou plus élevés que ceux imposés sur les mêmes articles importés par des navires Autrichiens ou Hongrois. Cette égalité réciproque de traitement sera accordée indistinctement, soit que ces articles viennent directement des pays d'origine, soit qu'ils viennent de tout autre lieu.

De même, il y aura parfaite égalité de traitement relativement à l'exportation ; ainsi, les mêmes droits d'exportation seront payés, et les mêmes primes et drawbacks seront accordés, dans les territoires de chacune des Hautes Parties Contractantes, sur l'exportation de tout article qui est ou pourra être légalement exporté, que cette exportation ait lieu sur des navires Japonais ou sur des navires Autrichiens ou Hongrois et quel que soit le lieu de destination, qu'il soit un des ports de chacune des Hautes Parties Contractantes ou un des ports d'une Puissance tierce.

XI. Aucun droit de tonnage, de port, de pilotage, de phare, de quarantaine ou autres droits similaires ou analogues, de quelque nature ou sous quelque dénomination que ce soit, levés au nom ou au profit du Gouvernement, de fonctionnaires publics, de particuliers, de corporations ou d'établissements quelconques, qui ne seraient également et sous les mêmes conditions, en pareil cas, sur les navires nationaux ou sur les navires de la nation la plus favorisée, ne seront imposés dans les ports des territoires de chacune des Hautes Parties Contractantes sur les navires de l'autre. Cette égalité de traitement sera appliquée réciproquement aux navires respectifs, de quelque endroit qu'ils arrivent et quel que soit le lieu de destination.

XII. En ce qui concerne le placement des navires, leur charge-

ment, leur déchargement dans les ports, bassins, docks, rades, havres, ou rivières des territoires des Hautes Parties Contractantes, il ne sera accordé aux navires nationaux aucun privilège ni aucune faveur qui ne le soit également aux navires de l'autre Partie; la volonté des Hautes Parties Contractantes étant que, sous ce rapport aussi, les navires respectifs soient traités sur le pied d'une parfaite égalité.

XIII. Il est fait exception aux dispositions du présent Traité pour le cabotage dans les territoires de l'une ou de l'autre des Hautes Parties Contractantes, dont le régime reste soumis aux lois, ordonnances, et règlements des pays respectifs. Il est entendu toutefois que les sujets Japonais dans la Monarchie Austro-Hongroise et les sujets Autrichiens ou Hongrois dans le territoire de Sa Majesté l'Empereur du Japon jouiront, pour tout ce qui concerne le cabotage, des droits et privilèges qui sont ou seront accordés par ces mêmes lois, ordonnances, et règlements aux sujets de tout autre pays.

Tout navire Japonais chargé à l'étranger d'une cargaison destinée en tout ou en partie à deux ou plusieurs ports de l'Autriche ou de la Hongrie, et tout navire Autrichien ou Hongrois chargé à l'étranger d'une cargaison destinée en tout ou en partie à deux ou plusieurs ports du territoire de Sa Majesté l'Empereur du Japon, pourra, en se conformant aux lois et aux règlements de douane du pays, décharger une partie de sa cargaison dans un port, et continuer son voyage pour l'autre ou les autres ports de destination où le commerce étranger est admis, dans le but d'y décharger une autre partie ou le reste de sa cargaison d'origine.

Le Gouvernement Japonais concède en outre aux navires Autrichiens et Hongrois de continuer, comme par le passé, et pour toute la durée du présent Traité, à transporter des cargaisons entre les ports ouverts de l'Empire, à l'exception des ports d'Osaka, de Niigata, et d'Ebisu-Minato.

XIV. Tout vaisseau de guerre ou navire de commerce de l'une ou de l'autre des Hautes Parties Contractantes qui serait forcé, par le mauvais temps ou pour toute autre raison, de se réfugier dans un port de l'autre, aura la liberté de s'y faire réparer, de s'y pourvoir de tous les approvisionnements dont il aura besoin et de reprendre la mer, sans payer d'autres taxes que celles qui seraient acquittées en pareille circonstance par les navires nationaux. Dans le cas, cependant, où le capitaine d'un navire de commerce se trouverait dans la nécessité de vendre une partie de sa cargaison pour payer les frais, il sera obligé de se conformer aux règlements et tarifs du lieu où il aurait relâché.

S'il arrive qu'un vaisseau de guerre ou un navire de commerce de l'une des Hautes Parties Contractantes échoue ou fasse naufrage

sur les côtes de l'autre, les autorités locales en informeront sans retard le Consul-Général, le Consul, le Vice-Consul, ou l'Agent Consulaire le plus voisin.

Toutes les opérations relatives au sauvetage des navires Japonais naufragés ou échoués dans les eaux territoriales de l'Autriche ou de la Hongrie auront lieu conformément aux lois, ordonnances, et règlements de l'Autriche et de la Hongrie, et, réciproquement, toutes les mesures de sauvetage relatives aux navires Autrichiens ou Hongrois naufragés ou échoués dans les eaux territoriales de Sa Majesté l'Empereur du Japon auront lieu conformément aux lois, ordonnances, et règlements du Japon.

Tous navires ou vaisseaux ainsi échoués ou naufragés, tous débris et accessoires, toutes fournitures leur appartenant, et tous effets et marchandises sauvés des dits navires ou vaisseaux, y compris ceux qui auraient été jetés à la mer ou les produits des dits objets, s'ils sont vendus, ainsi que tous papiers trouvés à bord de ces navires ou vaisseaux échoués ou naufragés, seront remis aux propriétaires ou à leurs représentants, quand ils les réclameront. Dans le cas où ces propriétaires ou représentants ne se trouveraient pas sur les lieux, les dits produits ou objets seront remis aux Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires respectifs, sur leur réclamation, dans le délai fixé par les lois du pays; et ces officiers Consulaires, propriétaires ou représentants payeront seulement les dépenses occasionnées pour la conservation des dits objets, ainsi que les frais de sauvetage ou autres dépenses auxquels seraient soumis, en cas de naufrage, les navires nationaux.

Les effets et marchandises sauvés du naufrage seront exempts de tous droits de douane, à moins qu'ils n'entrent dans la consommation intérieure, auquel cas ils payeront les droits ordinaires.

Dans le cas où un navire appartenant aux sujets de l'une des Hautes Parties Contractantes ferait naufrage ou échouerait sur les territoires de l'autre, les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires respectifs seront autorisés, en l'absence du propriétaire, capitaine, ou autre représentant du propriétaire, à prêter leur appui officiel pour procurer toute l'assistance nécessaire aux sujets des États respectifs. Il en sera de même dans le cas où le propriétaire, capitaine, ou autre représentant serait présent, et demanderait une telle assistance.

XV. Tous les navires qui, conformément aux lois Japonaises, sont considérés comme navires Japonais, et tous les navires qui, conformément aux lois Autrichiennes ou Hongroises, sont considérés comme navires Autrichiens ou Hongrois, seront respectivement considérés comme navires Japonais et Autrichiens ou Hongrois pour l'application du présent Traité.

XVI. Si un marin déserte d'un vaisseau de guerre ou d'un

navire de commerce appartenant à l'une ou à l'autre des Hautes Parties Contractantes sur les territoires de l'autre, les autorités locales seront tenues de prêter toute assistance en leur pouvoir pour l'arrestation et la remise de ce déserteur, sur la demande qui leur sera adressée par le Consul du pays auquel appartient le navire ou vaisseau du déserteur ou par le représentant du dit Consul.

Il est entendu que cette stipulation ne s'appliquera pas aux sujets du pays où la désertion a eu lieu.

XVII. Les Hautes Parties Contractantes conviennent que, dans toutes les matières relatives au commerce et à la navigation, tout privilège, faveur, ou immunité quelconque que l'une d'elles a déjà accordé ou accorderait à l'avenir au Gouvernement, aux navires, ou aux sujets de tout autre État, seront étendus immédiatement et sans condition à l'autre Partie Contractante; leur intention étant que, pour ce qui concerne le commerce et la navigation, les Hautes Parties Contractantes jouissent, sous tous les rapports, du traitement de la nation la plus favorisée.

XVIII.* Les sujets de chacune des Hautes Parties Contractantes jouiront, sur les territoires de l'autre, de la même protection que les nationaux relativement aux patentes, aux dessins et modèles, aux marques de fabrique ou de commerce, aux raisons sociales et aux noms, en remplissant les formalités prescrites par la loi.

XIX.* Chacune des Hautes Parties Contractantes pourra nommer des Consuls-Généraux, Consuls, Vice-Consuls, Pro-Consuls, et Agents Consulaires dans tous les ports, villes, et places de l'autre Partie, sauf dans les localités où il y aurait inconvénient à admettre de tels officiers Consulaires.

Cette exception ne sera cependant pas faite à l'égard de l'une des Parties Contractantes, sans l'être également à l'égard de toutes les autres Puissances.

Les Consuls-Généraux, Consuls, Vice-Consuls, Pro-Consuls, et Agents Consulaires exerceront toutes leurs fonctions et jouiront de tous les privilèges, exemptions, et immunités qui sont ou seront accordés aux officiers Consulaires de la nation la plus favorisée.

XX. Les Hautes Parties Contractantes sont convenues de ce qui suit:—

Les divers quartiers étrangers qui existent au Japon seront incorporés aux communes respectives Japonaises et feront dès lors partie du système municipal du Japon.

Les autorités Japonaises compétentes assumeront en conséquence toutes les obligations municipales qui résultent de ce nouvel état de choses, et les fonds et biens municipaux qui pourraient appartenir à

* See Final Protocol, page 988.

quartiers seront, de plein droit, transférés aux dites autorités japonaises.

Lorsque les changements ci-dessus indiqués auront été effectués, les baux à perpétuité, en vertu desquels les étrangers possèdent actuellement des propriétés dans les dits quartiers, seront confirmés, les propriétés de cette nature ne donneront lieu à aucuns impôts, taxes, charges, contributions ou conditions quelconques autres que ceux expressément stipulés dans les baux en question. Il est entendu toutefois qu'aux autorités Consulaires dont il y est fait mention seront substituées les autorités Japonaises.

Les droits de possession sur les dits biens fonciers pourront être librement aliénés à l'avenir par leurs possesseurs à des indigènes ou étrangers, sans qu'ils soient tenus de demander, comme à présent, pour certains cas, l'approbation des autorités Consulaires ou japonaises.

Les terrains que le Gouvernement Japonais aurait concédés exempts de rentes, vu l'usage public auquel ils étaient affectés, resteront, sous la réserve des droits de la souveraineté territoriale, franchis d'une manière permanente de tous impôts, taxes, et charges, et ils ne seront point détournés de l'usage auquel ils étaient primitivement destinés.

XXI. Les dispositions du présent Traité sont applicables aux pays qui appartiennent à présent ou appartiendront à l'avenir au territoire douanier de l'une des Hautes Parties Contractantes.

XXII.* A dater de la mise en vigueur du présent Traité dans toutes ses parties, seront abrogés le Traité du 14^e jour du 9^e mois de la 2^e année de Meiji, correspondant au 18 Octobre, 1869,† et tous les Arrangements et Conventions couclus entre les Hautes Parties Contractantes existant antérieurement à cette date. En conséquence, la juridiction exercée par les Tribunaux Consulaires Austro-Hongrois au Japon, et les privilèges, exemptions, et immunités exceptionnels dont les sujets Autrichiens ou Hongrois jouissaient en matière juridictionnelle, seront supprimés de plein droit et sans qu'il soit besoin de notification, du jour de la mise en vigueur du présent Traité; et les Autrichiens et les Hongrois seront dès lors soumis à la juridiction des Tribunaux Japonais.

XXIII. Le présent Traité, à l'exception de l'Article XVIII, n'entrera en vigueur qu'une année après que le Gouvernement de Sa Majesté l'Empereur du Japon aura notifié à la Monarchie Austro-Hongroise son intention de le voir mis à exécution,‡ mais en aucun cas avant le 17 Juillet, 1899. Le présent Traité restera obligatoire pendant une période de douze ans à partir du jour où il aura été mis à exécution.

* See Final Protocol, page 988.

† Vol. LIX, page 529.

‡ See Notes, page 993.

Chacune des Hautes Parties Contractantes aura le droit, à un moment quelconque après que onze années se seront écoulées depuis l'entrée en vigueur du présent Traité, de notifier à l'autre Partie son intention d'y mettre fin, et à l'expiration du 12^e mois qui suivra cette notification le Traité cessera et expirera entièrement.

L'Article XVIII du présent Traité sera mis en vigueur au moment de l'échange des ratifications du dit Traité et restera valable, à moins que les Hautes Parties Contractantes ne conviennent pas d'une disposition contraire, jusqu'à ce que les autres Articles du Traité cessent d'être obligatoires.

Toutefois, l'alinéa 1 de l'Article V du Traité pourra être dénoncé à toute époque par l'Autriche-Hongrie, et dans ce cas la dite disposition de cet Article cessera d'être en vigueur douze mois après sa dénonciation.

XXIV. Le présent Traité sera ratifié par les Hautes Parties Contractantes, et les ratifications en seront échangées à Vienne ou à Tôkiô aussitôt que faire se pourra.

En foi de quoi les Plénipotentiaires l'ont signé et l'ont revêtu de leurs cachets respectifs.

Fait en double expédition à Vienne, le 5^e jour du 12^e mois de la 30^e année de Meiji, correspondant au 5 Décembre, 1897.

(L.S.) K. TAKAHIRA.

(L.S.) GOLUCHOWSKI.

PROTOCOLE FINAL.

Au moment de procéder à la signature du Traité de Commerce et de Navigation conclu en date de ce jour, les Plénipotentiaires soussignés sont convenus des dispositions suivantes :—

1.—Ad Article I du Traité.

Le Gouvernement Japonais consent, en attendant l'ouverture complète du pays aux sujets Autrichiens et Hongrois, d'étendre le système existant des passeports de façon à permettre aux dits sujets, sur la production d'un certificat favorable émanant de la Légation Austro-Hongroise à Tôkiô ou de l'un quelconque des Consulats Austro-Hongrois dans les ports Japonais ouverts, d'obtenir sur leur demande, du Département Impérial des Affaires Étrangères à Tôkiô ou des autorités principales de la Préfecture dans laquelle est situé un port ouvert, des passeports valables pour toute période n'excédant pas douze mois. Il est bien entendu que, sous cette réserve, les lois et règlements existants et applicables aux sujets

Autrichiens ou Hongrois qui voyagent dans l'Empire du Japon sont maintenus.

2.—*Ad Articles I et III.*

Il est convenu que les sujets des Hautes Parties Contractantes seront admis dans les territoires de l'autre, de la même manière que es nationaux, à l'acquisition et à la possession d'hypothèques sur des immeubles.

3.—*Ad Articles I et XIX.*

En ce qui concerne la compétence des fonctionnaires Consulaires, ainsi que l'assistance judiciaire en matière civile et pénale et l'extradition des criminels, les Hautes Parties Contractantes s'accorderont, sous réserve de pleine réciprocité, le traitement de la nation la plus favorisée, aussi longtemps qu'elles n'auront pas réglé cette matière par un arrangement spécial.

4.—*Ad Article V.*

Un mois après l'échange des ratifications du Traité de Commerce et de Navigation signé ce jour, le Tarif d'Importation actuellement appliqué aux articles importés de la Monarchie Austro-Hongroise au Japon cessera d'être en vigueur. A partir du même moment le nouveau Tarif de Douane Japonais, ainsi que les droits de faveur stipulés dans les autres Traités conclus entre le Japon et les États étrangers, seront applicables aux articles produits ou fabriqués en Autriche-Hongrie à leur importation au Japon, tout en maintenant le traitement de la nation la plus favorisée garanti par les stipulations de l'Article XX du Traité existant entre les Hautes Parties Contractantes, aussi longtemps que les dites stipulations resteront en vigueur, puis subséquentement des Articles V et XVII du Traité signé ce jourd'hui.

Toutefois, il est entendu que les modifications qui seraient apportées ultérieurement au Tarif Douanier Japonais devront être publiées six mois avant leur application aux articles produits ou fabriqués dans la Monarchie Austro-Hongroise.

Rien de ce qui est contenu dans le Traité, dans ce Protocole, ou dans la Convention Additionnelle signée ce jourd'hui, ne pourra être tenu comme limitant ou déterminant le droit de l'Autriche-Hongrie et du Japon de restreindre ou de prohiber l'importation des drogues, médecines, aliments, ou breuvages falsifiés, d'imprimés, peintures, livres, cartes, lithographies, gravures indécentes ou obscènes, ou d'autres objets pouvant offrir quelque danger pour la sécurité ou la morale publique, d'articles fabriqués en violation des lois qui, en Autriche, en Hongrie, et au Japon, réglementent les

brevets d'invention, les marques de fabrique ou la propriété littéraire. Ce droit réciproque s'étendra également aux prohibitions sanitaires ou autres provenant de la nécessité de protéger la santé des personnes, ainsi que la conservation du bétail et des plantes utiles à l'agriculture.

Il est convenu que, dans le cas où l'application du principe de la nation la plus favorisée en matière des droits de douane garanti par le Traité signé cejourd'hui et par le présent Protocole sera reconnue non satisfaisante dans la pratique, les Hautes Parties Contractantes s'entendront sur des droits de faveur applicables aux articles ayant un intérêt spécial pour chacune d'elles.

Tout en se réservant l'exécution ultérieure de cette clause, les Hautes Parties Contractantes sont convenues déjà actuellement d'une Convention Additionnelle signée cejourd'hui qui déterminera jusqu'au 31 Décembre, 1903, le régime d'importation applicable à certains articles d'un pareil intérêt.

Sous tout autre rapport les dispositions du Traité actuel, ainsi que des Arrangements et Conventions subsidiairement conclus entre les Hautes Parties Contractantes, resteront obligatoires jusqu'à la mise en vigueur du Traité de Commerce et de Navigation signé cejourd'hui.

5.—Ad Article XVIII.

Les Hautes Parties Contractantes se réservent de régler par une Convention spéciale la protection des patentes, dessins et modèles et entameront en son temps les négociations nécessaires.

Le Gouvernement Japonais s'engage à adhérer, avant la cessation de la juridiction Consulaire Austro-Hongroise au Japon, à l'Union Internationale de Paris concernant la protection de la propriété industrielle.

6.—Ad Article XXII.

Il est convenu que, malgré la cessation de la juridiction Consulaire Austro-Hongroise au Japon, amenée *ipso facto* par l'entrée en vigueur entière du Traité de Commerce et de Navigation signé cejourd'hui, cette juridiction sera maintenue par rapport à toutes les affaires déjà pendantes au moment de la mise en vigueur complète du Traité et restera obligatoire jusqu'à leur décision définitive.

Le présent Protocole sera considéré comme approuvé et sanctionné par les Hautes Parties Contractantes sans autre ratification spéciale par le seul fait de l'échange des ratifications du Traité auquel il se rapporte.

Ce Protocole prendra fin en même temps que le dit Traité cessera d'être obligatoire.

En foi de quoi les Plénipotentiaires des Hautes Parties Contractantes ont signé le présent Protocole et l'ont revêtu du cachet de **eux armes.**

Fait en double expédition à Vienne, le 5^e jour du 12^e mois de la
• année de Meiji, correspondant au 5 Décembre, 1897.

(L.S.) K. TAKAHIRA.

(L.S.) GOLUCHOWSKI

CONVENTION ADDITIONNELLE.

Les Soussignés, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur du Japon à Vienne, et Ministre des Affaires Étrangères de Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, en vertu de la disposition du Protocole Final annexé au Traité de Commerce et de Navigation conclu cejourd'hui, sont convenus de ce qui suit :—

ART. I. En même temps que le nouveau Tarif de Douane Japonais (alinéa 1 de la section 4 du Protocole Final *ad* Article V du Traité de Commerce et de Navigation ci-dessus mentionné) entrera en vigueur, les articles ci-après mentionnés, produits ou fabriqués dans la Monarchie Austro-Hongroise, seront soumis à leur importation au Japon aux droits suivants :—

Les ustensiles de cuisine ou vaisselles, ainsi que les autres ouvrages en tôle de fer, ou d'acier, émaillés, décorés ou non ..	} 10 pour cent <i>ad valorem.</i>
Les lampes, parties et accessoires de lampes, en métal ou en verre	
Les meubles de toute sorte en bois courbé	
La bijouterie faussee	
Les boutons de toute sorte	
Les objets en verre, les cristaux, et la vitrification, excepté le verre à vitres	} 5 pour cent <i>ad valorem.</i>
La poudre insecticide	
Les chevaux	Exempts.

Les droits *ad valorem* seront calculés sur le prix réel des marchandises au lieu d'achat, de production, ou de fabrication, augmenté des frais de transport et d'assurance du dit lieu jusqu'au port de déchargement, ainsi que des frais de commission, s'il en existe.

II. A partir du jour où les articles de l'Autriche-Hongrie seront traités au Japon de la manière stipulée ci-dessus, les articles produits ou fabriqués dans l'Empire du Japon jouiront, à leur

importation dans le territoire douanier Austro-Hongrois, du traitement de la nation la plus favorisée.

Les articles produits ou fabriqués au Japon ci-dessous mentionnés seront soumis, à leur importation dans le territoire douanier Austro-Hongrois, aux droits d'entrée suivants :—

							Les 100 kilog.
							Florin en or.
Soie en cocons, déchets de soie, non filés	..	..	..	..	..	..	Exempte.
Soie dévidée ou filée, écrue	..	..	..	..	..	..	Exempte.
Bourre de soie (déchets de soie filés), écrue	..	..	..	..	..	..	Exempte.
Tissus de soie pure, unis	..	..	..	..	..	..	200 00
Tresses de paille (en forme de rubans de toute sorte), non combinées avec d'autres matières	..	..	..	..	..	..	2 00
Papier de tenture	..	..	..	..	..	..	18 00
Porcelaine—							
Blanche	..	..	..	..	..	..	5 00
De couleur, lisérée, peinte, imprimée, dorée, argentée	..	..	..	..	..	..	10 00
Cuivre brut, même vieux en morceaux, et débris	..	..	..	..	..	..	Exempte.

III. Dans le cas où, pendant la durée de la présente Convention, il serait accordé par le Japon à un tiers État pour les marchandises dénommées dans l'Article I de la présente Convention un traitement plus favorable, ce traitement profitera également, en vertu des dispositions contenues dans la section 4 *ad* Article V du Protocole Final annexé au Traité de Commerce et de Navigation signé ce jourd'hui, aux marchandises similaires produites ou fabriquées dans la Monarchie Austro-Hongroise.

De même il est entendu que, dans le cas où l'Autriche-Hongrie accorderait pendant la durée de la présente Convention à un tiers État pour les marchandises dénommées dans l'Article II de la présente Convention des droits d'entrée plus réduits, ces droits seront appliqués également aux marchandises similaires produites ou fabriquées au Japon.

IV. La présente Convention entrera en vigueur le jour où le nouveau Tarif de Douane Japonais sera appliqué, et restera exécutoire jusqu'au 31 Décembre, 1903.

Dans le cas où l'Autriche-Hongrie aurait notifié, en vertu de la disposition contenue dans l'Article XXIII du Traité de Commerce et de Navigation signé ce jourd'hui, son intention de faire cesser les effets de l'alinéa 1 de l'Article V du dit Traité, la présente Convention sera mise hors de vigueur douze mois après cette notification.

Elle sera considérée comme approuvée et sanctionnée par les Hautes Parties Contractantes sans autre ratification spéciale par le seul fait de l'échange des ratifications du Traité signé ce jourd'hui.

En foi de quoi les Plénipotentiaires des Hautes Parties Con-

Convention et l'ont revêtue du

OD, le 5^e jour du 12^e mois de la
au 5 Décembre, 1897.

(L.S.) K. TAKAHIRA.

(L.S.) GOLUCHOWSKI.

NOTES.

(1.)

de procéder à la signature du Traité de Commerce
ion conclu, en date de ce jour, entre l'Autriche-
le Japon, le Soussigné, Ministre Impérial et Royal
es Étrangères de l'Autriche-Hongrie, désirant mettre hors
e plusieurs questions traitées dans le courant des négocia-
déclare qu'il a signé le dit Traité dans les suppositions
antes; savoir que:—

(1.) Bien que la législation Japonaise actuellement en vigueur
n'admette pas encore les sujets étrangers à l'acquisition de la
propriété d'un immeuble au Japon, cette disposition ne déroge pas à
la faculté des sujets Autrichiens ou Hongrois d'acquérir, dans
les buts visés par les Articles I et III du Traité, aux mêmes
conditions que les nationaux et en conformité des lois régissant
cette matière, le droit d'emphytéose, de superficie et tout autre
droit réel sur des immeubles, et d'assurer aux droits personnels
résultant des contrats de bail et de fermage le caractère d'un droit
réel par l'inscription dans les registres y affectés;

(2.) Que le Gouvernement Impérial du Japon prendra en
considération de faire construire, selon l'exigence du commerce, des
magasins et des entrepôts réels dans toutes les places du pays
qui ont une importance spéciale pour le commerce;

(3.) Que, l'État Japonais restant propriétaire des terrains
concedés pour l'usage des quartiers étrangers visés dans l'Article XX
du Traité, leurs possesseurs ou leurs ayants-cause n'auront à payer
pour ces immeubles, à l'exception de la rente qu'ils ont à verser
en vertu du contrat, aucune taxe ou imposition;

(4.) Que les droits légalement acquis avant la mise en vigueur ou
pendant la durée du Traité par les sujets de l'une des Hautes
Parties Contractantes dans les territoires de l'autre resteront
valables sans qu'une modification y puisse être apportée après
l'expiration du Traité.

Le Soussigné, en priant M. l'Envoyé Extraordinaire et Ministre
Plénipotentiaire de Sa Majesté l'Empereur du Japon, M. Takahira,
[1896-97. LXXXIX.] 3 S

de vouloir bien prendre acte de ce qui précède, a l'honneur d'ajouter qu'il attacherait du prix à être informé sur l'époque que choisira le Gouvernement Impérial Japonais pour la notification prévue dans l'alinéa 1 de l'Article XXIII du Traité.

Le Soussigné saisit, &c.,

(L.S.) GOLUCHOWSKI

Vienne, le 5 Décembre, 1897.

(2.)

Le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur du Japon, a l'honneur d'informer son Excellence M. le Comte Goluchowski, Ministre Impérial et Roy des Affaires Étrangères de l'Autriche-Hongrie, en réponse à une note en date d'aujourd'hui, que les suppositions y énoncées sous nos Nos. 1-4, et qui ont pour objet l'acquisition des droits réels sur les biens-fonds, l'établissement de magasins et d'entrepôts réels, l'exemption des terrains dans les concessions étrangères, et la conservation des droits acquis à l'expiration du Traité, sont exactes en tous les points.

Pour ce qui concerne la demande de son Excellence M. le Comte Goluchowski, énoncée à la fin de la dite note, le Soussigné a l'honneur de faire la communication suivante:—

Le Gouvernement Impérial Japonais, jugeant désirable que les codes de l'Empire du Japon soient effectivement en vigueur au moment où le Traité existant entre le Japon et l'Autriche-Hongrie cessera d'être obligatoire, s'engage à ne pas faire la notification prévue dans le premier alinéa de l'Article XXIII du Traité jusqu'aujourd'hui avant que les parties des dits codes qui sont soumises à un nouvel examen ne soient entièrement mises en vigueur.

Le Soussigné saisit, &c.,

(L.S.) K. TAKAHIRA

Vienne, le 5 Décembre, 1897.

CONVENTION entre la France et la Belgique, pour l'Exécution du Service de la Caisse d'Épargne.—Signée à Paris, le 4 Mars, 1897.

[Ratifications échangées à Paris, le 26 Août, 1897.]

Le Gouvernement de la République Française et le Gouvernement de Sa Majesté le Roi des Belges, ayant jugé utile d'apporter

des modifications de détail à l'Arrangement conclu entre les deux pays, le 31 Mai, 1882, pour assurer des facilités aux déposants à la Caisse Nationale d'Épargne de France et aux déposants à la Caisse Générale d'Épargne et de Retraite de Belgique, ont résolu de substituer au dit Arrangement la Convention dont la teneur suit :—

ART. I. Les fonds versés à titre d'épargne, soit à la Caisse Nationale d'Épargne de France, soit à la Caisse Générale d'Épargne et de Retraite de Belgique, pourront, sur la demande des intéressés et jusqu'à concurrence d'un maximum de 1,500 fr., être transférés, sans frais, de l'une des caisses dans l'autre, et réciproquement.

Les demandes de transferts internationaux seront reçues, en France et en Belgique, dans tous les bureaux de poste ou agences chargés, dans ces pays, du service de la caisse d'épargne.

Les fonds transférés seront, notamment en ce qui concerne le taux et le calcul des intérêts, les conditions de remboursement, d'achat et de revente de rente ou d'acquisition de carnets de rentes viagères, soumis aux lois, décrets, arrêtés, et règlements régissant le service de l'Administration dans la caisse de laquelle ces fonds auront été transférés.

II. Les titulaires de livrets de la Caisse Nationale d'Épargne de France, ou de la Caisse Générale d'Épargne et de Retraite de Belgique, pourront obtenir, sans frais, le remboursement, dans l'un de ces pays, des sommes déposées par eux à la caisse d'épargne de l'autre pays.

Les demandes de remboursements internationaux, rédigées sur des formules spéciales mises à la disposition du public, seront déposées par les intéressés entre les mains du chef du bureau ou du receveur des postes de leur résidence, qui les fera parvenir en franchise de port à la caisse d'épargne détentrice des fonds.

Les remboursements seront effectués en vertu d'ordres de paiement qui ne pourront excéder 1,500 fr. chacun. Toutefois, jusqu'au 31 Décembre, 1900, chaque ordre de paiement pourra atteindre le chiffre de 2,000 fr.

Les ordres de remboursement seront payables seulement dans les établissements de poste ou autres chargés du service de la caisse d'épargne. Ils seront adressés directement et en franchise de port, par la caisse d'épargne qui les aura délivrés, aux bureaux désignés pour le paiement.

III. Chaque Administration se réserve le droit de rejeter les demandes de transferts ou de remboursements internationaux qui ne rempliraient pas les conditions exigées par ses règlements intérieurs.

IV. Les sommes transférées d'une caisse dans l'autre porteront intérêt, à charge de l'Administration primitivement détentrice des fonds, jusqu'à la fin du mois pendant lequel cette demande s'est

produite, et à charge de l'Administration qui accepte le transfert à partir du premier jour du mois suivant.

V. Il sera établi, à la fin de chaque mois, par la Caisse Nationale d'Épargne de France et par la Caisse Générale d'Épargne et de Retraite de Belgique, un décompte des sommes qu'elles se doivent respectivement, du chef des opérations faites pour le service de la caisse d'épargne, et, après vérification contradictoire de ces décomptes, la caisse reconnue débitrice se libérera, dans le plus bref délai possible, envers l'autre caisse, au moyen de traites ou de chèques sur Paris ou sur Bruxelles.

VI. La caisse d'épargne de chacun des pays contractants pourra correspondre directement et en franchise, par la voie postale, avec la caisse de l'autre pays.

VII. Les bureaux de poste des deux pays se prêteront réciproquement concours pour le retrait des livrets à régler ou à vérifier.

L'échange des livrets entre la caisse d'épargne de chaque pays et les bureaux de poste ou agences de l'autre pays aura lieu en franchise.

VIII. La Caisse Nationale d'Épargne de France et la Caisse Générale d'Épargne et de Retraite de Belgique arrêteront, d'un commun accord, après entente avec les Administrations des Postes des deux pays, les mesures de détail et d'ordre nécessaires pour l'exécution de la présente Convention.

IX. Chaque Partie Contractante se réserve la faculté, dans le cas de force majeure ou de circonstances graves, de suspendre tout ou en partie les effets de la présente Convention.

Avis devra en être donné à l'Administration correspondante par la voie diplomatique.

L'avis fixera la date à partir de laquelle le service international cessera de fonctionner.

X. La présente Convention aura force et valeur à partir du jour dont les caisses d'épargne des deux pays conviendront, dès que la promulgation en aura été faite d'après les lois particulières à chacun des deux États, et elle demeurera obligatoire jusqu'à ce que l'une des deux Parties Contractantes ait annoncé à l'autre, six mois au moins à l'avance, son intention d'en faire cesser les effets. Pendant les six derniers mois la Convention continuera d'avoir son exécution pleine et entière, sans préjudice de la liquidation et du solde des comptes entre les caisses d'épargne des deux pays, après l'expiration du dit terme.

XI. La présente Convention sera ratifiée, et les ratifications seront échangées à Paris aussitôt que faire se pourra.

En foi de quoi les Plénipotentiaires, le Ministre des Affaires Étrangères de la République Française, d'une part, et l'Envoyé

Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi des Belges, d'autre part, ont signé la présente Convention, qu'ils ont revêtue de leurs cachets.

Fait à Paris, en double exemplaire, le 4 Mars, 1897.

(L.S.) G. HANOTAUX.

(L.S.) BARON D'ANETHAN.

A GREEMENT between Austria-Hungary and Spain, for the Reciprocal Protection of Patents, Designs, and Trade-marks.
—Signed at Madrid, January 21, 1897.

[Ratifications exchanged at Madrid, June 11, 1900.]

POUR assurer aux ressortissants Autrichiens ou Hongrois en Espagne, et, réciproquement, aux ressortissants Espagnols dans la Monarchie Austro-Hongroise, la protection de leurs inventions, marques de fabrique et de commerce, et modèles, les Soussignés, dûment autorisés à cet effet, ont arrêté les dispositions suivantes :—

ART. I. Les ressortissants Autrichiens ou Hongrois en Espagne, y compris ses possessions d'outremer, et, réciproquement, les ressortissants Espagnols dans la Monarchie Austro-Hongroise, jouiront des mêmes droits que les nationaux pour tout ce qui concerne la protection des inventions, dessins et modèles, des marques de fabrique ou de commerce, ainsi que des raisons sociales et des noms et des autres désignations de marchandises.

II. Sont assimilés sous ce rapport aux ressortissants les autres personnes qui sont domiciliées ou ont leur établissement industriel principal sur les territoires de l'une des Parties Contractantes.

III. Les ressortissants des États de l'une des Parties Contractantes qui auront déposé la demande d'un brevet d'invention dans les territoires de cette Partie auront, pour effectuer le dépôt dans les territoires de l'autre Partie, un droit de priorité pendant 90 jours à compter de la date du premier dépôt, et le dépôt postérieur aura, sous tous les rapports, le même effet comme s'il avait été fait au moment du premier dépôt.

Il en sera de même pour les marques de commerce ou de fabrique, les dessins, et les modèles, pourvu que 90 jours au plus tard, après la date de la demande d'enregistrement dans les territoires de l'une des Parties Contractantes, l'enregistrement de ces marques, dessins, et modèles ait été demandé dans les territoires de l'autre Partie Contractante.

Seront assimilés aux inventions les modèles d'utilité qui jouissent de la protection légale dans les territoires des Parties Contractantes.

Le délai de 90 jours accordé dans les paragraphes qui précèdent sera porté à 120 jours pour le dépôt ou l'enregistrement des demandes provenant des provinces et possessions Espagnoles d'outremer.

IV. La protection d'une marque de commerce ou de fabrique, d'une désignation de marchandises, d'un dessin, ou d'un modèle enregistrés en conformité du paragraphe III dans les territoires de l'autre Partie Contractante, ne peut avoir dans ces territoires une durée plus longue que celle qu'elle a dans les territoires du pays d'origine.

D'ailleurs le droit exclusif pour les ressortissants des États de l'une des Parties Contractantes d'exploiter une marque ou une désignation de marchandises dans les territoires de l'autre ne peut être acquis que par ceux qui l'ont déjà légitimement acquis dans leur propre pays.

V. L'importation d'une marchandise fabriquée dans les territoires de l'une des Parties Contractantes sur les territoires de l'autre n'entraînera pas dans ces derniers territoires des conséquences préjudiciables au droit de protection accordée en vertu d'une invention, d'un dessin, ou d'un modèle.

Toutefois, l'ayant-droit restera soumis à l'obligation d'exploiter son invention, dessin, ou modèle conformément aux lois du pays où il introduit les objets protégés.

VI. L'enregistrement d'une marque enregistrée pour le propriétaire dans le pays d'origine, ou d'une désignation de marchandises dont il est constaté qu'elle jouit dans le pays d'origine d'une protection égale à celle acquise aux marques, ne peut être refusé par l'autorité compétente, à moins que cette marque ou cette désignation—

(a.) Ne porte illicitement le portrait du Souverain ou des membres de la famille régnante ou les armes de l'État ou d'autres armes publiques; ou

(b.) Qu'elle ne soit généralement usitée dans le commerce, pour désigner certaines catégories de marchandises; ou

(c.) Qu'elle ne soit contraire à la morale ou à l'ordre public; ou enfin

(d.) Qu'elle ne soit en opposition par sa teneur avec les conditions effectives, de manière à induire le public en erreur.

Les Parties Contractantes se réservent le droit de refuser l'enregistrement de marques du pays d'origine, si celles-ci sont reconnues égales ou ressemblantes au point à donner lieu à des erreurs aux marques déjà enregistrées; de même pourront-elles rayer les

marques susmentionnées sur la demande des personnes préjudiciées par l'enregistrement.

VII. Chacune des Parties Contractantes prendra des mesures nécessaires, si elles n'avaient pas été déjà prises antérieurement, contre la vente et la mise en vente de marchandises qui, dans une intention frauduleuse, au préjudice du commerce légitime, sont revêtues d'armoiries d'État de l'autre Partie Contractante ou portent, comme indication de provenance, le nom ou les armes de localités ou de districts situés dans les territoires de l'autre Partie Contractante.

VIII. Les ressortissants des États de l'une des Parties Contractantes qui veulent s'assurer la propriété d'une invention, d'une marque, d'un dessin, ou d'un modèle dans les territoires de l'autre Partie Contractante auront à remplir les formalités prescrites par la législation de cette dernière.

Ils devront en particulier faire déposer les descriptions de leurs inventions, ainsi que leurs marques, dessins, et modèles, conformément aux prescriptions en vigueur : en Espagne au Conservatoire pour l'Art et les Métiers à Madrid ; dans la Monarchie Austro-Hongroise, pour l'Autriche—les descriptions d'inventions à l'autorité administrative d'une province ; les marques, dessins, et modèles à la Chambre de Commerce et d'Industrie à Vienne ; et pour la Hongrie—les descriptions d'inventions au Bureau Royal Hongrois de Brevets à Budapest ; les marques, dessins, et modèles à la Chambre de Commerce et d'Industrie à Budapest.

IX. Le présent Arrangement entrera en vigueur quinze jours après l'échange des ratifications et demeurera obligatoire jusqu'à l'expiration de six mois à partir du jour où l'une ou l'autre des Parties Contractantes l'aura dénoncé.

X. L'Arrangement sera ratifié, et les ratifications en seront échangées à Madrid le plus tôt possible.

En foi de quoi les Soussignés l'ont signé et l'ont revêtu du cachet de leur armes.

Fait à Madrid, en double expédition, le 21 Janvier, 1897.

(L.S.) v. DUBSKY.

(L.S.) EL DUQUE DE TETUAN.

RÈGLEMENT concernant la Reconnaissance réciproque des Lettres de Jauge en Grèce et en Allemagne.—Athènes, le 1^{er} Janvier, 1897.

La conclusion d'un nouvel Arrangement étant devenue nécessaire par suite de la mise en vigueur du Règlement Allemand du

1^{er} Mars, 1895, entre la Grèce et l'Empire Allemand, concernant la reconnaissance réciproque des lettres de jauge, les navires des deux marines marchandes seront traités de la manière suivante :—

1. Seront reconnues dans les ports Allemands sans qu'il soit procédé à un remesurage, les lettres de jauge nationales des voiliers et des bateaux à vapeur Helléniques délivrées d'après le Règlement Grec du 12 Février, 1878. Toutefois les bateaux à vapeur Helléniques auront la faculté d'exiger qu'il soit constaté quelles déductions pour les espaces réservées aux machines, aux chaudières, et aux soutes à charbon seraient à faire d'après les §§ 14 (b) et 15 du Règlement de Jaugeage Allemand du 1^{er} Mars, 1895, à fin de déterminer le cubage net sur lequel les droits devront être payés. Dans les cas où des difficultés s'opposeraient à ce que cette constatation se fasse au moyen d'un remesurage des espaces indiqués, les autorités des ports pourront satisfaire à la demande, en faisant une réduction de 5 pour cent sur le cubage net tel qu'il se trouve indiqué dans la lettre de jauge Hellénique.

2. Seront reconnues dans les ports Grecs sans remesurage :—

(a.) Les lettres de jauge des voiliers et bateaux à vapeur Allemands délivrées à partir du 1^{er} Juillet, 1895 ;

(b.) Les lettres de jauge des voiliers et bateaux à vapeur Allemands délivrées avant la date indiquée, y compris les lettres de jauge spéciales délivrées d'après le § 17 du Règlement de Jaugeage Allemand du 30 Juin, 1888, c'est-à-dire, application faite de la règle dite Anglaise pour les déductions des espaces destinés aux machines, aux chaudières, et aux soutes à charbon. Les bateaux à vapeur Allemands qui ne seraient pas munis d'une lettre de jauge spéciale du genre indiqué, mais simplement d'une lettre de jauge ordinaire délivrée avant le 1^{er} Juillet, 1895, auront le droit d'exiger qu'il soit constaté quelles déductions seraient à faire pour les espaces réservés aux machines, aux chaudières, et aux soutes à charbon d'après les dispositions du Règlement Hellénique du 12 Février, 1878, à fin de déterminer le cubage-net sur lequel les droits doivent être prélevés.

3. Dans les cas où, d'après ce qui précède, un remesurage partiel deviendrait nécessaire, celui-ci sera limité au stricte nécessaire ; les taxes à percevoir pour ce remesurage ne seront comptées que pour les espaces réellement remesurés.

Athènes, le $\frac{1}{10}$ Janvier, 1897.

(L.S.) AL. G. SCOUZES.

CONVENTION d'Extradition entre la République Française et la République de Libéria.—Signée à Paris, le 5 Juillet, 1897.

[Ratifications échangées à Paris, le 15 Mars, 1900.]

Le Président de la République Française et le Président de la République de Libéria, désireux d'assurer la répression des crimes et délits, ont résolu, d'un commun accord, de conclure un Traité d'Extradition et ont nommé pour leurs Plénipotentiaires, savoir :

Le Président de la République Française, son Excellence M. Gabriel Hanotaux, Ministre des Affaires Étrangères de la République Française, Officier de l'Ordre National de la Légion d'Honneur, Grand-Croix de l'Ordre de la Rédemption Africaine, &c. ;

Et le Président de la République de Libéria, M. le Baron de Stein, Chargé d'Affaires de la République de Libéria à Paris, Grand-Croix de l'Ordre de la Rédemption Africaine, Commandeur de l'Ordre National de la Légion d'Honneur, &c.

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté les Articles suivants :—

ART. I. Le Gouvernement de la République Française et le Gouvernement de la République de Libéria s'engagent à se livrer réciproquement, d'après les règles établies par le présent Traité, les individus inculpés ou condamnés à raison de l'un des faits ci-après énumérés, commis sur le territoire de l'État requérant.

Chaque Gouvernement est libre de refuser l'extradition de ses propres nationaux. Toutefois, cette faculté ne pourra s'exercer à l'égard du fugitif qui, depuis le crime ou le délit dont il est inculpé ou pour lequel il a été condamné, aurait obtenu la naturalisation dans le pays requis.

Lorsque le fait motivant la demande d'extradition aura été commis hors du territoire du Gouvernement requérant, il sera donné suite à cette demande si la législation du pays requis autorise la poursuite du même fait commis hors de son territoire, à moins que l'extradition ne soit demandée et obtenue de ce chef par le Gouvernement du pays tiers où le fait a été commis.

II. Les crimes et délits pour lesquels il y aura lieu à extradition sont les suivants :—

1. Assassinat, empoisonnement, parricide, meurtre ;
2. Infanticide ;
3. Avortement ;
4. Sévices commis volontairement, soit avec préméditation, soit quand il en est résulté une infirmité ou incapacité permanente de

travail personnel, la perte ou la privation de l'usage absolu d'un membre, de l'œil ou de tout autre organe, une mutilation grave ou la mort sans intention de la donner ;

5. Menaces d'un attentat contre les personnes ou les propriétés punissable de peines criminelles ;

6. Viol ;

7. Attentat à la pudeur avec violence ;

8. Attentat à la pudeur sans violence sur un enfant âgé de moins de treize ans ;

9. Bigamie ;

10. Enlèvement, recel, suppression, substitution ou supposition d'un enfant ;

11. Enlèvement de mineurs ;

12. Séquestration ou détention illégale ;

13. Contrefaçon ou altération de monnaies, de papier-monnaie ou de billets de banque, entreprise dans le but d'émettre ou de faire émettre ces monnaies, ce papier-monnaie ou ces billets de banque comme non contrefaits et non altérés ; mise en circulation de monnaies, de papier-monnaie ou de billets de banque contrefaits ou altérés, lorsqu'elle a lieu à dessein ;

14. Contrefaçon des sceaux de l'État, poinçons, timbres et marques publics ou usage des dits sceaux, poinçons, timbres, et marques publics contrefaits ;

15. Faux en écriture et usages frauduleux de l'écriture faussée ou falsifiée ;

16. Faux serment, faux témoignage et subornation de témoins ;

17. Corruption de fonctionnaire public ;

18. Concussion commise par un fonctionnaire public ;

19. Incendie volontaire ;

20. Destruction ou dégradation de toute propriété mobilière ou immobilière punie de peines criminelles ou correctionnelles ;

21. Le fait par tout individu faisant ou non partie d'un bâtiment de mer de le livrer aux pirates ;

Le fait par tout individu faisant ou non partie de l'équipage d'un navire ou bâtiment de mer de s'emparer du dit bâtiment par fraude ou violence ;

Destruction, submersion, échouement ou perte d'un navire dans une intention coupable ;

Révolte par plusieurs personnes à bord d'un navire en mer, contre l'autorité du capitaine ou du patron ;

22. Le fait, commis à dessein, d'avoir mis en péril un convoi sur un chemin de fer ;

23. Soustraction frauduleuse ou vol ;

24. Escroquerie ;

25. Abus de blanc-seing ;

26. Détournement frauduleux, abus de confiance, extorsion de fonds;

27. Banqueroute frauduleuse;

28. Recel frauduleux d'argent, valeurs ou objets mobiliers provenant d'escroquerie, de vol, d'abus de confiance ou d'abus de blanc-seing;

29. Traite des esclaves dans les cas prévus par la législation des deux pays.

La tentative des crimes ou délits prévus ci-dessus et la complicité dans les mêmes faits donneront également lieu à extradition, lorsqu'elles seront punissables d'après la législation des deux pays.

III. L'extradition ne sera pas accordée si l'étranger est poursuivi dans le pays de refuge pour l'infraction faisant l'objet de la demande d'extradition, ou bien si, à raison de cette infraction, il a été définitivement condamné, acquitté ou renvoyé de la plainte.

L'extradition n'aura pas lieu si, d'après les lois du pays requis, la prescription de l'action ou de la peine est acquise avant l'arrestation de l'individu réclamé, ou s'il n'a pas encore été arrêté avant qu'il n'ait été cité devant le tribunal pour être entendu.

IV. Si l'individu réclamé est poursuivi dans le pays requis ou s'il a été condamné pour une infraction autre que celle motivant la demande d'extradition, la remise ne sera effectuée qu'après que la poursuite sera terminée ou, en cas de condamnation, après que la peine aura été exécutée.

V. L'individu extradé ne sera ni poursuivi ni jugé contradictoirement pour une infraction autre que celle ayant motivé l'extradition, à moins—

1. D'un consentement spécial donné par le Gouvernement requis;

2. Que l'extradé ne demande lui-même à être jugé ou à subir sa peine, auquel cas sa demande sera communiquée au Gouvernement qui l'a livré.

Sera considéré comme soumis sans réserve à l'application des lois de la nation requérante, à raison d'un crime ou délit quelconque antérieur à l'extradition et différent du fait qui a motivé cette mesure, l'individu livré qui aura eu, pendant un mois depuis son élargissement définitif, la faculté de quitter le territoire de cette nation.

VI. Dans le cas où l'extradition d'un étranger ayant été accordée par l'une des deux Puissances Contractantes à l'autre, le Gouvernement d'un pays tiers solliciterait à son tour de celle-ci la remise du même individu, à raison d'un fait autre que celui ayant motivé l'extradition ou connexe à ce fait, la Puissance ainsi requise ne déférera, s'il y a lieu, à la demande qu'après s'être assurée du

consentement de l'État qui aura primitivement accordée l'extradition.

Toutefois cette réserve n'aura pas lieu d'être appliquée lorsque l'individu extradé aura eu, pendant le délai fixé par l'Article V, la faculté de quitter le territoire du pays auquel il a été livré.

Dans le cas de réclamation du même individu, de la part de deux États, pour crimes distincts, le Gouvernement requis statuera en prenant pour base la gravité du fait poursuivi ou les facilités accordées pour que l'individu soit restitué, s'il y a lieu, d'un pays à l'autre, pour purger successivement les accusations.

VII. Aucune personne ne sera livrée, si le délit pour lequel l'extradition est demandée est considéré par la partie requise comme un délit politique ou un fait connexe à un semblable délit.

Ne sera par réputé, de plein droit, délit politique ni fait connexe à un semblable délit, l'attentat contre la personne d'un chef de Gouvernement ou contre celle des membres de sa famille; mais le caractère de cet attentat sera apprécié par la partie requise, d'après les circonstances dans lesquelles il aurait été commis.

VIII. La demande d'extradition devra toujours être faite par la voie diplomatique ou consulaire. Toutefois elle pourra être aussi demandée ou accordée par les Gouverneurs des Colonies Françaises de la côte occidentale d'Afrique.

Elle sera accompagnée soit d'un jugement ou d'un arrêt de condamnation même par défaut ou par contumace (notifié, dans ces derniers cas, suivant les formes qui seraient prescrites par la législation du pays requérant), soit d'un acte de procédure criminelle d'une juridiction compétente, décrétant formellement ou opérant de plein droit le renvoi de l'inculpé devant la juridiction répressive, soit d'un mandat d'arrêt ou de tout autre acte ayant la même force et décerné par l'autorité judiciaire, pourvu que ces derniers actes renferment l'indication précise du fait pour lequel ils sont délivrés et, autant que possible, la date de ce fait.

Les pièces ci-dessus mentionnées devront être produites en original ou en expédition authentique; elles seront revêtues du sceau de la juridiction compétente et d'une signature dûment légalisée.

Le Gouvernement requérant devra produire la copie des textes des lois applicables au fait incriminé, et, autant que possible, le signalement de l'individu réclamé.

L'arrestation du fugitif sera opérée et la demande d'extradition sera instruite et examinée suivant la procédure établie par la législation du pays requis.

IX. Quand il y aura lieu à extradition, tous les objets saisis pouvant servir à constater le crime ou le délit, ainsi que les objets provenant de ce fait, seront, suivant l'appréciation de l'autorité

compétente, remis à la Puissance réclamante, soit que l'extradition puisse s'effectuer, l'individu réclamé ayant été arrêté, soit qu'il ne puisse y être donné suite, cet individu ayant de nouveau pris la fuite ou étant décédé.

Sont réservées toutefois les droits que les tiers non impliqués dans la poursuite auraient pu acquérir sur les dits objets.

X. En cas d'urgence, l'arrestation provisoire du fugitif pourra être requise par un avis postal ou télégraphique, faisant connaître l'existence d'un mandat d'arrêt et régulièrement transmis, par la voie diplomatique ou consulaire, au Ministre des Affaires Étrangères du pays requis.

L'étranger arrêté provisoirement sera, à moins que son arrestation ne doive être maintenue pour un autre motif, mis en liberté si, dans les six semaines à partir du jour de l'arrestation, la demande d'extradition par la voie diplomatique ou consulaire, avec remise des documents prescrits par la présente Convention, n'a pas été faite.

De même, l'individu amené dans un port d'embarquement aux fins d'extradition sera remis en liberté si, dans un délai de six semaines après qu'il a été mis à la disposition des autorités requérantes, celles-ci ne l'ont pas fait partir.

XI. Les Gouvernements respectifs s'engagent à se prêter leurs bons offices pour faciliter les mesures d'instruction qui peuvent être considérées comme nécessaires à l'occasion de la poursuite de crimes ou de délits non politiques.

XII. Lorsque dans une cause pénale non politique, instruite dans l'un des deux pays, la production de pièces ou documents judiciaires sera jugée utile, la demande en sera faite par voie diplomatique ou consulaire, et on y donnera suite, à moins que des considérations particulières ne s'y opposent, et sous l'obligation de renvoyer les pièces.

XIII. Les Gouvernements respectifs renoncent de part et d'autre à toute réclamation pour la restitution des frais résultant de l'arrestation, de la détention et de l'entretien du fugitif, ainsi que de son transfèrement jusqu'au port où il devra s'embarquer pour se rendre à sa destination.

La même renonciation s'applique aux frais qu'occasionnerait l'examen par l'autorité administrative ou judiciaire de la demande d'extradition.

XIV. La présente Convention entrera en vigueur quatre mois après l'échange des ratifications, lequel aura lieu à Paris aussitôt que possible.

Chacune des Parties Contractantes pourra en tout temps mettre fin au Traité en donnant à l'autre, six mois à l'avance, avis de son intention.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Traité et y ont apposé leurs cachets.

Fait à Paris, en double exemplaire, le 5 Juillet, 1897.

(L.S.) G. HANOTAUX

(L.S.) BARON DE STEIN.

CONVENTION CONSULAIRE entre la France et la Bolivie
—Signé à Sucre, le 5 Août, 1897.

[Ratifications échangées à Paris, le 20 Juin, 1898.]

Le Président de la République Française et le Président de la République de Bolivie, reconnaissant l'utilité de déterminer, avec le plus de précision possible, les droits, privilèges et immunités, ainsi que les attributions, des Consuls, Chanceliers et Agents Consulaires Français et Boliviens réciproquement admis à résider dans les États respectifs, ont résolu de conclure, à cet effet, une Convention spéciale, et ont nommé pour leurs Plénipotentiaires, savoir :

Le Président de la République Française, M. Charles Henri William de Coutouly, Chevalier de la Légion d'Honneur, Chargé d'Affaires de la République Française près le Gouvernement Bolivien ; et

Le Président de la République de Bolivie, son Excellence M. Manuel Maria Gomez, Ministre d'État au Département des Relations Extérieures et des Cultes ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

Art. I. Chacune des Hautes Parties Contractantes aura la faculté d'établir des Consuls-Généraux, des Consuls, des Vice-Consuls ou des Agents Consulaires dans les villes du territoire de l'autre Partie.

Sur la présentation de leurs provisions, ces agents seront admis et reconnus selon les règles et formalités établies dans le pays de leur résidence. L'exequatur leur sera délivré sans frais.

Aussitôt après leur admission, l'autorité supérieure du lieu où ils devront résider donnera les ordres nécessaires pour qu'ils soient protégés dans l'exercice de leurs fonctions et pour qu'ils jouissent des immunités et prérogatives attachées à leur charge.

II. Les Agents Diplomatiques, les Consuls-Généraux et Consuls pourront, lorsqu'ils y seront autorisés par les lois et règlements de leurs pays, nommer des Agents Consulaires dans les villes et ports de leurs arrondissements Consulaires respectifs, sauf l'approbation du Gouvernement territorial obtenue par la voie diplomatique. Ces

agents pourront être indistinctement choisis parmi les citoyens des deux pays comme parmi les étrangers, et seront munis d'un brevet délivré par l'Agent Diplomatique ou par le Consul sous les ordres duquel ils devront être placés. Ils pourront recevoir le titre de Vice-Consul ; mais ce titre sera, dans ce cas, purement honorifique.

III. En cas d'empêchement, d'absence ou de décès des Consuls-Généraux et Consuls, les Consuls - Suppléants, Élèves-Consuls, Chanceliers ou Secrétaires qui auraient été présentés antérieurement en leurs qualités respectives seront admis de plein droit à exercer, par intérim, les fonctions Consulaires. Les autorités locales devront leur prêter assistance et protection, et leur assurer, pendant leur gestion provisoire, la jouissance de tous les droits et immunités reconnus aux titulaires. Elles devront également donner toutes les facilités désirables aux Agents intérimaires que les Consuls-Généraux ou Consuls désigneront pour remplacer momentanément les Vice-Consuls absents ou décédés.

IV. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires pourront placer au-dessus de la porte extérieure de la maison Consulaire l'écusson des armes de leur nation, avec cette inscription : " Consulat, Vice-Consulat ou Agence Consulaire de "

Ils pourront également arborer le pavillon de leur pays sur la maison Consulaire aux jours de solennités publiques, religieuses ou nationales, ainsi que dans les autres circonstances d'usage.

Il est bien entendu que ces marques extérieures ne pourront jamais être interprétées comme constituant un droit d'asile, mais serviront avant tout à désigner aux matelots et aux nationaux l'habitation Consulaire.

V. Les archives Consulaires seront inviolables, et les autorités locales ne pourront, sous aucun prétexte ni dans aucun cas, visiter ni saisir les papiers qui en feront partie.

Ces papiers devront toujours être complètement séparés des livres ou papiers relatifs au commerce ou à l'industrie que pourraient exercer les Consuls, Vice-Consuls ou Agents Consulaires respectifs.

VI. Les Consuls-Généraux, Consuls, Consuls-Suppléants, Élèves Consuls, Chanceliers, Vice-Consuls, et Agents Consulaires, citoyens de l'État qui les nomme, ne seront pas tenus de comparaître comme témoins devant les Tribunaux du pays de leur résidence, si ce n'est, toutefois, dans les causes criminelles où leur comparution sera jugée indispensable et réclamée par une lettre officielle de l'autorité judiciaire.

Dans tout autre cas la justice locale se transportera à leur domicile pour recevoir leur témoignage de vive voix, ou le leur demander par écrit, suivant les formes particulières à chacun des deux États.

VII. Les Consuls - Généraux, Consuls, Consuls - Suppléants, Elèves-Consuls, Chanceliers, Vice-Consuls, et Agents Consulaires, citoyens de l'État qui les nomme, ne pourront pas être forcés de comparaître personnellement en justice, lorsqu'ils seront partie intéressée dans les causes civiles, à moins que le Tribunal saisi n'ait, par un jugement, déferé le serment ou ordonné la comparution de toutes les parties.

En toute autre matière ils ne seront tenus de comparaître en personne que sur une invitation expresse et motivée du Tribunal saisi.

VIII. Les Consuls - Généraux, Consuls, Consuls - Suppléants, Elèves-Consuls, Chanceliers, Vice-Consuls, et Agents Consulaires, citoyens de l'État qui les nomme, jouiront de l'immunité personnelle : ils ne pourront être arrêtés ni emprisonnés, excepté pour les faits et actes que la législation pénale du pays de leur résidence qualifie de crimes et punit comme tels.

IX. Les Consuls - Généraux, Consuls, Consuls - Suppléants, Elèves-Consuls, Chanceliers, Vice-Consuls, et Agents Consulaires, citoyens de l'État qui les nomme, seront exempts des logements militaires et des contributions de guerre, ainsi que des contributions directes, tant personnelles que mobilières ou somptuaires, imposées par l'État ou par les communes ; mais, s'ils possèdent des biens immeubles, de même que s'ils font le commerce ou s'ils exercent quelque industrie, ils seront soumis à toutes les taxes, charges et impositions qu'auront à payer les autres habitants du pays, comme propriétaires de biens-fonds, commerçants, industriels ou capitalistes.

X. Les Consuls-Généraux et Consuls ou leurs Chanceliers, ainsi que les Vice-Consuls et Agents Consulaires des deux pays, auront le droit de recevoir, soit dans leur Chancellerie, soit au domicile des parties, soit à bord des navires de leur nation, les déclarations que pourraient avoir à faire les capitaines, les gens de l'équipage, les passagers, les négociants et tous autres citoyens de leur pays.

Lorsqu'ils y seront autorisés par les lois et règlements de leur pays, les dits Consuls et Agents pourront également recevoir, comme notaires, les dispositions testamentaires de leurs nationaux.

Ils auront le droit de recevoir tout acte notarié destiné à être exécuté dans leur pays, et qui interviendra entre leurs nationaux et les personnes du pays de leur résidence.

Ils pourront même recevoir les actes dans lesquels les citoyens du pays où ils résident seraient seuls parties, lorsque ces actes contiendront des conventions relatives à des immeubles situés dans le pays du Consul ou Agent, ou des procurations concernant des affaires à traiter dans ce pays.

Quant aux actes notariés destinés à être exécutés dans le pays de leur résidence, les dits Consuls ou Agents auront le droit de

recevoir tous ceux dans lesquels leurs nationaux seraient seuls parties; ils pourront recevoir, en outre, ceux qui interviendraient entre un ou plusieurs de leurs nationaux et des citoyens du pays de leur résidence, à moins qu'il ne s'agisse d'actes pour lesquels, d'après la législation du pays, le Ministère des juges ou d'officiers publics déterminés serait indispensable.

Lorsque les actes mentionnés dans le paragraphe précédent auront rapport à des biens fonciers, ils ne seront valables qu'autant qu'un notaire ou autre officier public du pays y aura concouru et les aura revêtus de sa signature.

XI. Les actes mentionnés dans l'Article précédent auront la même force et valeur que s'ils avaient été passés devant un notaire ou autre officier public compétent de l'un ou de l'autre pays, pourvu qu'ils aient été rédigés dans les formes voulues par les lois de l'État auquel le Consul appartient et qu'ils aient été soumis au timbre, à l'enregistrement, et à toute formalité en usage dans le pays où l'acte devra recevoir son exécution.

Les expéditions des dits actes, lorsqu'elles auront été légalisées par les Consuls ou Vice-Consuls et scellées du sceau officiel de leur Consulat ou Vice-Consulat, feront foi, tant en justice que hors justice, devant tous les Tribunaux, Juges et autorités de France et de Bolivie au même titre que les originaux.

XII. En cas de décès d'un citoyen de l'un des deux pays sur le territoire de l'autre pays, l'autorité locale compétente devra immédiatement en avertir le Consul-Général, Consul, Vice-Consul ou Agent Consulaire dans le ressort duquel le décès aura eu lieu, et ces agents devront, de leur côté, s'ils en ont connaissance les premiers, donner le même avis aux autorités locales.

Quelles que soient les qualités et la nationalité des héritiers, qu'ils soient majeurs ou mineurs, absents ou présents, connus ou inconnus, les scellés seront, dans les vingt-quatre heures de l'avis, apposés sur tous les effets mobiliers et papiers du défunt. L'apposition sera faite, soit d'office, soit à la réquisition des parties intéressées, par le Consul, en présence de l'autorité locale ou celle-ci dûment appelée.

Cette autorité pourra croiser de ses scellés ceux du Consulat, et, dès lors, les doubles scellés ne pourront plus être levés que d'un commun accord ou par ordre de justice.

Dans le cas où l'autorité Consulaire ne procéderait pas à l'apposition des scellés, l'autorité locale devra les apposer, après lui avoir adressé une simple invitation, et si l'autorité Consulaire les croise des siens la levée des uns et des autres devra être faite soit d'un commun accord, soit en vertu d'une décision du Juge.

Ces avis et invitations seront donnés par écrit et un récépissé en constatera la remise.

XIII. S'il n'a pas été formé d'opposition à la levée des scellés et si tous les héritiers et légataires universels ou à titre universel sont majeurs, présents ou dûment représentés et d'accord sur leurs droits et qualités, le Consul levera les scellés sur la demande des intéressés, dressera, qu'il y ait ou non un exécuteur testamentaire nommé par le défunt, un état sommaire des biens, effets et papiers qui se trouveraient sous les scellés, et délaissera ensuite le tout aux parties qui se pourvoiront comme elles l'entendront pour le règlement de leurs intérêts respectifs.

Dans tous les cas où les conditions énumérées au commencement du paragraphe précédent ne se trouveront pas réunies, et quelle que soit la nationalité des héritiers, l'autorité Consulaire, après avoir réclamé, par écrit, la présence de l'autorité locale et prévenu l'exécuteur testamentaire, ainsi que les intéressés ou leurs représentants, procédera à la levée des scellés et à l'inventaire descriptif de tous les biens, effets et papiers placés sous les scellés. Le Magistrat local devra, à la fin de chaque séance, apposer sa signature au procès-verbal.

XIV. Si, parmi les héritiers et légataires universels ou à titre universel, il s'en trouve dont l'existence soit incertaine ou le domicile inconnu, qui ne soient pas présents ou dûment représentés, ou soient mineurs ou incapables, ou si, étant tous majeurs et présents ils ne sont pas d'accord sur leurs droits et qualités, l'autorité Consulaire, après que l'inventaire aura été dressé, sera, comme séquestre des biens de toute nature laissés par le défunt, chargée de plein droit d'administrer et de liquider la succession.

En conséquence, elle pourra procéder, en suivant les formes prescrites par les lois et usages du pays, à la vente des meubles et objets mobiliers susceptibles de dé périr ou dispendieux à conserver. recevoir les créances qui seraient exigibles ou viendraient à échoir. les intérêts des créances, les loyers et fermages échus, faire tous les actes conservatoires des droits et des biens de la succession, employer les fonds trouvés au domicile du défunt, ou recouvrés depuis le décès, à l'acquittement des charges urgentes et des dettes de la succession ; faire, en un mot, tout ce qui sera nécessaire pour rendre l'actif net et liquide.

L'autorité Consulaire fera annoncer la mort du défunt dans une des feuilles publiques de son arrondissement, et elle ne pourra faire la délivrance de la succession ou de son produit qu'après l'acquittement des dettes contractées dans le pays par le défunt, ou qu'autant que, dans le courant de l'année qui suivra le décès, aucune réclamation ne se sera produite contre la succession.

En cas d'existence d'un exécuteur testamentaire, le Consul pourra, si l'actif est suffisant, lui remettre les sommes nécessaires pour l'acquittement des legs particuliers. L'exécuteur testamentaire

restera, d'ailleurs, chargé de tout ce qui concernera la validité et l'exécution du testament.

XV. Les pouvoirs conférés aux Consuls par l'Article précédent ne feront point obstacle à ce que les intéressés de l'une ou de l'autre nation, ou leurs tuteurs et représentants, poursuivent devant l'autorité compétente l'accomplissement de toutes les formalités voulues par les lois pour arriver à la liquidation définitive des droits des héritiers et légataires et au partage final de la succession entre eux, et plus particulièrement à la vente ou à la licitation des immeubles situés dans le pays où le décès a eu lieu. Le Consul devra, le cas échéant, organiser sans retard la tutelle de ceux de ces nationaux qui seraient incapables, afin que le tuteur puisse les représenter en justice.

Toute contestation soulevée, soit par des tiers, soit par des créanciers du pays ou d'une Puissance tierce, toute procédure de distribution et d'ordre que les oppositions ou les inscriptions hypothécaires rendraient nécessaires, seront également soumises aux tribunaux locaux.

Le Consul devra toutefois être appelé en justice, soit comme représentant ses nationaux absents, soit comme assistant le tuteur ou le curateur de ceux qui sont incapables; mais il est bien entendu qu'il ne pourra jamais être mis personnellement en cause. Il pourra, d'ailleurs, se faire représenter par un délégué choisi parmi les personnes que la législation du pays autorise à remplir des mandats de cette nature.

XVI. Lorsqu'un Français en Bolivie ou un Bolivien en France sera décédé sur un point où il ne se trouverait pas d'autorité Consulaire de sa nation, l'autorité territoriale compétente procédera, conformément à la législation du pays, à l'inventaire des effets et à la liquidation des biens qu'il aura laissés et sera tenue de rendre compte, dans le plus bref délai, du résultat de ses opérations au Consulat appelé à en connaître.

Mais, dès que le Consul se présentera personnellement ou enverra un délégué sur les lieux, l'autorité locale qui sera intervenue devra se conformer à ce que prescrivent les Articles XII, XIII, XIV, et XV de la présente Convention.

XVII. Dans le cas où un citoyen de l'un des deux pays viendrait à décéder sur le territoire de ce pays, et où ses héritiers ou légataires universels ou à titre universel seraient tous citoyens de l'autre pays, le Consul de la nation à laquelle appartiendront les héritiers ou légataires pourra, si un ou plusieurs d'entre eux sont absents, inconnus ou incapables, ou si, étant présents et majeurs, ils ne se trouvent pas d'accord, faire tous les actes conservatoires d'administration et de liquidation énumérés dans les Articles XII, XIII, XIV, et XV de la présente Convention. Il n'en devra résulter toutefois

aucune atteinte aux droits et à la compétence des autorités judiciaires pour ce qui concerne l'accomplissement des formalités légales prescrites en matière de partage et la décision de toutes les contestations qui pourraient s'élever, soit entre les héritiers seulement soit entre les héritiers et des tiers.

XVIII. Les Consuls - Généraux, Consuls, Vice-Consuls, et Agents Consulaires des deux États connaîtront exclusivement des actes d'inventaire et des autres opérations effectuées pour la conservation des biens et objets de toute nature laissés par les gens de mer et les passagers de leur nation qui décèderaient dans le port d'arrivée, soit à terre, soit à bord d'un navire de leur pays.

XIX. Les dispositions de la présente Convention s'appliqueront également aux successions des citoyens de l'un des deux États qui étant décédés hors du territoire de l'autre État, y auraient laissé des biens mobiliers ou immobiliers.

XX. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires respectifs pourront aller personnellement ou envoyer des délégués à bord des navires de leur pays, après leur admission à la libre pratique, interroger le capitaine et l'équipage, examiner les papiers du bord, recevoir les déclarations sur le voyage, la destination du bâtiment et les incidents de la traversée, dresser les manifestes et faciliter l'expédition du navire.

Les fonctionnaires de l'ordre judiciaire et administratif ne pourront, en aucun cas, opérer à bord ni recherches ni visites autres que les visites ordinaires de la douane et de la santé, sans prévenir auparavant, ou, en cas d'urgence, au moment même de la perquisition, le Consul de la nation à laquelle le bâtiment appartiendra.

Ils devront également donner, en temps opportun, au Consul les avis nécessaires pour qu'il puisse assister aux déclarations que le capitaine et l'équipage auraient à faire devant les tribunaux ou les administrations du pays. La citation qui sera adressée à cet effet au Consul indiquera une heure précise, et, s'il ne s'y rend pas en personne ou ne s'y fait pas représenter par un délégué, il sera procédé en son absence.

XXI. En tout ce qui concerne la police des ports, le chargement et le déchargement des navires et la sûreté des marchandises, on observera les lois, ordonnances et règlements du pays; mais les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires seront chargés exclusivement du maintien de l'ordre intérieur à bord des navires marchands de leur nation; ils régleront eux-mêmes les contestations de toute nature qui surviendraient entre le capitaine, les officiers du navire et les matelots, et spécialement celles relatives à la solde et à l'accomplissement des engagements réciproquement contractés.

Autorités locales ne pourront intervenir que lorsque les

désordres survenus à bord des navires seront de nature à troubler la tranquillité et l'ordre public à terre ou dans le port, ou quand une personne du pays ou ne faisant pas partie de l'équipage s'y trouvera mêlée.

Dans tous les autres cas, les autorités locales se borneront à prêter leur appui à l'autorité Consulaire pour faire arrêter et conduire en prison tout individu, inscrit sur le rôle de l'équipage, contre qui elle jugerait convenable de requérir cette mesure.

XXII. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires pourront faire arrêter et renvoyer, soit à bord, soit dans leur pays, les marins et toute autre personne faisant, à quelque titre que ce soit, partie des équipages des navires de leur nation qui auraient déserté.

A cet effet ils devront s'adresser, par écrit, aux autorités locales compétentes et justifier, au moyen de la présentation des registres du bâtiment ou, si le navire était parti, en produisant une copie authentique de ces documents, que les personnes réclamées faisaient partie de l'équipage. Sur cette demande, ainsi justifiée, la remise des déserteurs ne pourra être refusée.

On donnera, en outre, aux dits agents tout secours et toute assistance pour la recherche et l'arrestation des déserteurs qui seront conduits dans les prisons du pays et y seront détenus, sur la demande écrite et aux frais de l'autorité Consulaire, jusqu'au moment où ils seront réintégrés à bord ou jusqu'à ce qu'une occasion se présente de les rapatrier. Si, toutefois, cette occasion ne se présentait pas dans le délai de deux mois à compter du jour de l'arrestation, ou si les frais de leur détention n'étaient pas régulièrement acquittés, les dits déserteurs seraient remis en liberté, sans qu'ils pussent être arrêtés de nouveau pour la même cause.

Si le déserteur avait commis quelque délit à terre, l'autorité locale pourrait surseoir à sa remise jusqu'à ce que la sentence du tribunal eût été rendue et eut reçu son exécution.

Les marins ou autres individus de l'équipage, citoyens du pays dans lequel s'effectuera la désertion, sont exceptés des stipulations du présent Article.

XXIII. Toutes les fois qu'entre les propriétaires, armateurs et assureurs il n'aura pas été fait de conventions spéciales pour le règlement des avaries que les navires ou les marchandises auraient éprouvées en mer, ce règlement appartiendra aux Consuls respectifs, qui en connaîtront exclusivement si ces avaries n'intéressent que des individus de leur nation. Si d'autres habitants du pays où réside le Consul s'y trouvent intéressés, celui-ci désignera dans tous les cas les experts qui devront connaître du règlement d'avaries. Ce règlement se fera à l'amiable, sous la direction du Consul, si les

intéressés y consentent, et dans le cas contraire il sera fait par l'autorité locale compétente.

XXIV. Lorsqu'un navire appartenant au Gouvernement ou à des citoyens de l'un des deux pays fera naufrage ou échouera sur le littoral de l'autre pays, les autorités locales devront en avertir sans retard le Consul-Général, Consul, Vice-Consul ou Agent Consulaire dans la circonscription duquel le sinistre aura eu lieu.

Toutes les opérations relatives au sauvetage des navires de l'un des États qui naufrageraient ou échoueraient dans les eaux territoriales de l'autre État seront dirigées par les Consuls-Généraux, Consuls, Vice-Consuls ou Agents Consulaires respectifs.

L'intervention des autorités locales n'aura lieu que pour assister les dits agents, maintenir l'ordre, garantir l'intérêt des sauvetages étrangers à l'équipage et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées.

En l'absence et jusqu'à l'arrivée des Consuls-Généraux, Consuls, Vice-Consuls, Agents Consulaires ou de leurs délégués, les autorités locales devront prendre toutes les mesures nécessaires pour la protection des personnes et la conservation des objets qui auront été sauvés de naufrage.

L'intervention des autorités locales dans ces différents cas ne donnera lieu à la perception de frais d'aucune sorte, sauf toutefois ceux que nécessiteront les opérations du sauvetage, ainsi que la conservation des objets sauvés, et ceux auxquels seraient soumis, en pareil cas, les navires nationaux.

En cas de doute sur la nationalité des navires naufragés, les dispositions mentionnées dans le présent Article seront de la compétence exclusive de l'autorité locale.

Les marchandises et effets sauvés ne seront sujets au paiement d'aucun droit de douane, à moins qu'ils n'entrent dans la consommation intérieure.

XXV. Il est, en outre, convenue que les Consuls-Généraux, Consuls, Consuls-Suppléants, Élèves-Consuls, Chanceliers, Vice-Consuls et Agents Consulaires des deux pays jouiront, dans l'autre pays, de tous les privilèges, immunités et prérogatives qui sont et qui seront accordés aux agents de la même classe de la nation la plus favorisée.

Il est entendu que, si ces privilèges et immunités sont accordés sous des conditions spéciales, ces conditions devront être remplies par les Gouvernements respectifs ou par leurs Agents.

XXVI. La présente Convention aura une durée fixe de dix années, à compter du jour de l'échange des ratifications. Si, un an avant l'expiration de ce terme, aucune des deux Hautes Parties Contractantes n'annonce, par une déclaration officielle, son intention de faire cesser les effets, le Traité demeurera obligatoire encore

une année, et ainsi de suite jusqu'à l'expiration d'une année à partir du jour où il aura été dénoncé.

XXVII. La présente Convention sera ratifiée, et les ratifications en seront échangées à Paris, après l'accomplissement des formalités prescrites par les lois constitutionnelles des deux pays contractants, dans le délai d'un an, ou plus tôt si faire se peut.

Eu foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait à Sucre, le 5 Août, 1897.

(L.S.) C. DE COUTOULY.

(L.S.) M. M. GOMEZ.

***DÉCLARATION** entre la Belgique et le Portugal, pour régler provisoirement les Relations Commerciales entre les deux Pays.—Signée à Lisbonne, le 11 Décembre, 1897.*

Le Gouvernement de Sa Majesté le Roi des Belges et le Gouvernement de Sa Majesté le Roi de Portugal et des Algarves, désirant régler provisoirement les relations commerciales entre les deux pays, en attendant la conclusion d'un Traité de Commerce définitif, les Soussignés, dûment autorisés à cet effet, sont convenus de ce qui suit :—

ART. I. Les produits du sol et de l'industrie de Belgique compris dans les numéros du Tarif des Douanes Portugaises indiqués ci-après ne seront pas assujettis, à leur entrée en Portugal, à des droits autres ou plus élevés que ceux auxquels seront soumis produits similaires de toute autre provenance :

Nos. 3 à 9 et 11. Animaux vivants.

Nos. 12 à 38 et 40 à 42 et 44 à 160. Matières premières employées dans les arts et dans l'industrie.

Nos. 161 à 292. Articles de laine, de soie, de coton, de lin, et similaires.

Nos. 293 à 314. Produits divers et spécialités.

Nos. 315 à 319, 322 à 325, 327 à 340, 342 à 352, et 354 à 368. Substances alimentaires.

Nos. 369 à 428. Appareils, instruments, machines, et ustensiles pour la science, les arts, l'industrie, et l'agriculture, armes, embarcations, et voitures.

Nos. 429 à 592. Objets manufacturés divers.

Les produits du sol et de l'industrie du Portugal énumérés ci-après ne seront pas assujettis, à leur entrée en Belgique, à des

droits autres ou plus élevés que ceux auxquels seront soumis les produits similaires de toute autre provenance :—

ex No. 8. Cacao en fèves.
ex No. 9. Café non torréfié.
ex No. 10. Caoutchouc brut.
ex No. 14. Conserves au sucre.
ex No. 14. Conserves au vinaigre.
ex No. 17. Sel brut.
ex No. 25. Amandes.
ex No. 25. Figues.
ex No. 26. Seigle.
ex No. 28. Huile d'olive.
ex No. 35. Cire animale brute.

ex No. 36. Minerais de cuivre.
ex No. 37. Laine brute.
ex No. 38. Liège en cubes et en bouchons.
ex No. 48. Peaux brutes.
ex No. 50. Sardines en conserves.
ex No. 51. Poteries.
ex No. 51. Falences.
ex No. 65. Graines oléagineuses.
ex No. 65. Liège brut et en planche.
ex No. 69. Vins.

II. Il sera fait application aux vins Portugais d'une force alcoolique supérieure à 15 degrés et inférieure à 24, du droit d'accise le plus favorable auquel sont soumis en Belgique les vins de toute provenance dépassant 15 degrés d'alcool.

III. Les concessions que le Portugal a accordées ou accordera à l'Espagne et au Brésil ne pourront être réclamées par la Belgique comme conséquence de la présente Déclaration, mais il est entendu que si le Portugal concédait à quelque autre État le partage des faveurs qu'il aurait accordées à l'Espagne ou au Brésil, la Belgique jouirait des mêmes faveurs.

IV. La présente Déclaration sera obligatoire dès le jour fixé d'un commun accord par les deux Gouvernements, après que les Législatures respectives l'auront approuvé.

En foi de quoi les Soussignés ont signé la présente Déclaration et y ont apposé leurs cachets.

Fait à Lisbonne, en double expédition, le 11 Décembre, 1897.*

(L.S.) G. DELLA FAILLE DE LEVERGHEM.

(L.S.) HENRIQUE DE BARROS GOMES.

* The following Additional Article was signed on the 15th January, 1898.—

Article Additionnel à la Déclaration du 11 Décembre, 1897.

Le Gouvernement de Sa Majesté le Roi des Belges et le Gouvernement de Sa Majesté le Roi de Portugal et des Algarves, ayant reconnu l'avantage qu'il y aurait à stipuler, dans un Article Additionnel à la Déclaration du 11 Décembre, 1897, le traitement de la nation la plus favorisée pour ce qui concerne le service militaire, les Soussignés, dûment autorisés, sont convenus de ce qui suit :—

Article Unique.—Les Portugais en Belgique et les Belges en Portugal jouiront réciproquement, en ce qui concerne le service militaire, soit dans l'armée, soit dans la marine, soit dans la milice ou la garde nationale, de tous

*DÉCLARATION entre la Russie, la Suède, et la Norvège, ayant trait aux Communications Télégraphiques entre les trois États.—Signée à Saint-Petersbourg, le 1^{er} Juin, 1897.**

En vue de remplacer par de nouveaux Arrangements celui de 1885, qui, confirmé par les Déclarations Ministérielles du 13 Avril et du 1^{er} Mai, 1886, avait été prolongé pour une nouvelle période de cinq ans par les Déclarations Ministérielles signées à Stockholm le 1^{er} Juin, 1891, le Directeur-Général des Postes et des Télégraphes de Russie a conclu avec les Chefs des Administrations de Télégraphes de Suède et de Norvège, sous la réserve de l'approbation de leurs Gouvernements respectifs, des Arrangements dont la teneur est mot pour mot comme suit :—

Arrangement particulier concernant les Relations Télégraphiques entre la Russie et la Suède.

En vertu de l'Article XVII de la Convention Télégraphique Internationale de Saint-Petersbourg, les Soussignés, sous réserve de l'approbation des Gouvernements respectifs, ont arrêté, d'un commun accord, les dispositions suivantes :—

Art. I. Les taxes par mot pour les télégrammes ordinaires échangés entre la Russie d'Europe (la Finlande y comprise) et la Suède sont fixées comme suit :

La Russie d'Europe, le Caucase y compris, mais la Finlande exceptée ..					25	centimes	taxe terminale.
La Finlande .. .. .	..	..	..	..	12½	„	„
La Suède .. .. .	..	..	..	..	12½	„	„

II. L'échange des télégrammes entre la Russie (la Finlande y comprise) et la Suède, en transit par la Norvège, n'est pas admis.

III. Pour les télégrammes échangés entre la Russie d'Asie d'une part et la Suède de l'autre les taxes prescrites pour ce trafic par les Tableaux de Tarif du Règlement International sont appliquées sans modification.

IV. Les taxes mentionnées à l'Article I du présent Arrange-

les droits et avantages qui sont et seront accordés aux citoyens de la nation la plus favorisée, et ils seront soumis aux conditions imposées à ces derniers.

Le présent Article Additionnel aura la même force, valeur, et durée que s'il était inséré dans la Déclaration du 11 Décembre, 1897.

Fait en double original à Lisbonne, le 15 Janvier, 1898.

(L.S.) COMTE DU BOIS D'AISSCHE.

(L.S.) HENRIQUE DE BARROS GOMES.

* From the "Journal de Saint-Petersbourg" of August 1st, 1897.

ment seront appliquées à partir de la date de la mise en vigueur du Règlement International révisé à Budapest.*

A dater du même jour est abrogé l'Arrangement spécial antérieur au sujet des relations télégraphiques entre la Russie et la Suède.

V. Le présent Arrangement demeurera en vigueur pendant un temps indéterminé et jusqu'à l'expiration de six mois à partir du jour où la dénonciation en sera faite par l'une des Parties Contractantes.

Fait en double expédition à Saint-Petersbourg et à Stockholm, le 19 Avril 1897.
1 mai

N. PÉTROV, *Lieutenant-Général, Directeur-Général des Postes et des Télégraphes de Russie.*

ERIK STORCHENFELDT, *Directeur-Général de Télégraphes de Suède.*

Arrangement particulier concernant les Relations Télégraphiques entre la Russie et la Norvège.

En vertu de l'Article XVII de la Convention Télégraphique Internationale de Saint-Petersbourg, les Soussignés, sous réserve de l'approbation des Gouvernements respectifs, ont arrêté, d'un commun accord, les dispositions suivantes :—

Art. I. Les taxes terminales par mot pour les correspondances ordinaires échangées entre la Russie et la Norvège sont fixées comme suit :

1. Pour la correspondance transmise par l'intermédiaire des Offices étrangers :

(a.) Pour les télégrammes échangés entre la Russie d'Europe (excepté la Finlande) et le Caucase d'une part et la Norvège de l'autre :

Russie	25 centimes.
Norvège	10 „

(b.) Pour les télégrammes échangés entre la Finlande d'une part et la Norvège de l'autre :

Russie	15 centimes.
Norvège	10 „

2. Provisoirement pour les télégrammes échangés par le fil direct Voriema Groense-Iakobselv entre le littoral de Mourmane jusqu'au Soumski-Possad d'une part et la Norvège de l'autre :—

Russie	15 centimes.
Norvège	10 „

II. Pour la correspondance échangée entre la Russie d'Asie d'une part et la Norvège de l'autre les taxes prescrites pour ce trafic par les Tableaux de Tarif du Règlement International sont appliquées sans modification.

III. Les taxes susmentionnées seront appliquées à partir de la date de la mise en vigueur du Règlement International révisé à Budapest.*

A dater du même jour est abrogé l'Arrangement spécial antérieur au sujet de la correspondance télégraphique entre la Russie et la Norvège.

IV. Le présent Arrangement demeurera en vigueur pendant un temps indéterminé et jusqu'à l'expiration de six mois à partir du jour où la dénonciation en sera faite par l'une des Parties Contractantes.

Fait en double expédition à Saint-Petersbourg, le ^{22 Janvier}_{2 Février}, 1897.

N. PÉTROW, *Lieutenant-Général, Directeur-Général des Postes et des Télégraphes de Russie.*

RASMUSSEN, *Directeur-Général des Télégraphes de Norvège.*

Le Soussigné, Ministre des Affaires Étrangères de Sa Majesté l'Empereur de Russie, dûment autorisé à cet effet, déclare que les dits Arrangements sont confirmés en tous points par la présente Déclaration, destinée à être échangée contre une Déclaration semblable du Ministre des Affaires Étrangères de Sa Majesté le Roi de Suède et de Norvège.

Saint-Petersbourg, $\frac{1}{2}$ Juin, 1897.

(L.S.) COMTE MOURAVIEFF.

AGREEMENT between the Governments of Germany and Russia, granting National Treatment in matters relating to Law Suits.—St. Petersburg, ^{27th August}_{26th September}, 1897.

(1.)

Le Soussigné, Ministre des Affaires Étrangères de Sa Majesté l'Empereur de Russie, a l'honneur d'informer son Altesse Sérénissime l'Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté l'Empereur d'Allemagne qu'il adhère, au nom du Gouvernement Impérial, aux propositions suivantes, ayant fait l'objet d'une entente préalable entre les Gouvernements Impériaux de Russie et d'Allemagne :—

• July 22, 1896. Vol. I.XXXVIII, page 1120.

Il ne sera exigé des sujets Russes qui auraient à poursuivre une action en Allemagne, comme demandeurs principaux ou intervenants, aucuns droit, caution ou dépôt auxquels ne seraient pas soumis les sujets Allemands, conformément aux lois de l'Empire Allemand.

Réciproquement, il ne sera exigé des sujets Allemands qui auraient à poursuivre une action en Russie, comme demandeurs principaux ou intervenants, aucuns droit, caution ou dépôt auxquels ne seraient pas soumis les sujets Russes d'après les lois de l'Empire Russe.

Le Soussigné profite de cette occasion pour renouveler à Son Altesse Sérénissime le Prince de Radolin l'assurance de sa haute considération.

Saint-Petersbourg, le ^{27 Août}_{8 Septembre}, 1897.

COMTE MOURAVIEFF.

(2.)

Le Soussigné, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté l'Empereur d'Allemagne, dûment autorisé, déclare adhérer, au nom du Gouvernement Impérial, aux propositions suivantes, ayant fait l'objet d'une entente préalable entre les Gouvernements Impériaux d'Allemagne et de Russie :—

Il ne sera exigé des sujets Allemands qui auraient à poursuivre une action en Russie, comme demandeurs principaux ou intervenants, aucuns droit, caution ou dépôt auxquels ne seraient pas soumis les sujets Russes, conformément aux lois de l'Empire Russe.

Réciproquement, il ne sera exigé des sujets Russes qui auraient à poursuivre une action en Allemagne, comme demandeurs principaux ou intervenants, aucuns droit, caution ou dépôt auxquels ne seraient pas soumis les sujets Allemands d'après les lois de l'Empire Allemand.

Le Soussigné profite de cette occasion pour renouveler à son Excellence M. le Ministre des Affaires Étrangères de Sa Majesté l'Empereur de Toutes les Russies l'assurance de sa haute considération.

Saint-Petersbourg, le ^{27 Août}_{8 Septembre}, 1897.

RADOLIN.

DECREE by the French Resident-General in Madagascar, imposing a Tax on Licences. — Antananarivo, November 3, 1896.*

ART. 1^{er}. A partir du 1^{er} Novembre, 1896, tout individu exerçant à Madagascar un commerce, une industrie ou une profession non compris dans les exceptions déterminées par le présent Arrêté sera assujéti à la contribution des patentes.

2. Cette contribution consiste en un droit fixe réglé d'après la nature de la profession et la population de la ville où elle est exercée.

3. Les diverses professions sont classées de la manière suivantes:—

Hors Classe.—Banques, comptoirs d'escompte, maisons de change et de crédit, compagnies d'assurances, industries.

1^{re} Classe.—Marchands en gros, c'est-à-dire, vendant principalement à d'autres marchands. Distillateurs et fabricants de boissons spiritueuses.

2^e Classe.—Marchands en demi-gros, c'est-à-dire, vendant habituellement aux détaillants et aux consommateurs. Restaurateurs et hôteliers.

3^e Classe.—Marchands au détail, c'est-à-dire, ne vendant habituellement qu'aux consommateurs. Médecins, avoués, avocats, agents d'affaires, courtiers, et autres professions libérales non exemptées; pharmaciens; débitants de boissons; cafétiers, aubergistes.

4^e Classe.—Entrepreneurs de bâtiments, fabricants, et constructeurs en tous genres, quand ils ont un atelier et occupent ordinairement plus de deux ouvriers.

4. Le taux de l'impôt est fixé conformément au Tableau ci-après:—

Catégorie de Population.	Hors Classe.	1 ^{re} Classe.	2 ^e Classe.	3 ^e Classe.	4 ^e Classe.
Ville de plus de 5,000 hommes ..	1 000	400	200	100	10
De 1,000 à 5,000 ..	1 000	200	100	50	10
Au-dessous de 1,000	1 000	100	50	10	5

5. Sont exemptés de patente: les fonctionnaires et employés rétribués par l'État. Les maîtres d'école et instituteurs. Les

* From the "Journal Officiel" of Madagascar, of November 6, 1896.

artistes. Les fabricants travaillant seuls ou avec deux ouvriers au plus ou à la journée. Les marchands établis sur les marchés ou vendant en étalage. Les agriculteurs ou concessionnaires de mines.

6. Le droit est réduit de moitié pour les bouchers, boulangers et autres marchands ou fabricants d'objets de consommation à l'exception des boissons.

7. Si un patentable a plusieurs établissements, un droit distinct est dû pour chacun d'eux, mais le droit plein n'est dû que pour l'établissement principal, les autres droits étant réduits de moitié.

Si un patentable exerce plusieurs professions dans le même établissement, un seul droit est dû à la profession la plus imposée.

8. La contribution des patentes est due annuellement : elle peut être acquittée en une fois, mais elle n'est exigible que par quart à raison des faits existants au premier jour de chaque trimestre.

9. Les demandes en décharge, réduction, ou mutation de cote seront adressées au Résident de la circonscription, qui les transmettra avec son avis au Résident-Général ; elles seront jugées par le Conseil d'Administration de la Colonie.

10. Tout patentable est tenu de se munir d'une formule de patente qui lui sera délivrée par le Résident de sa circonscription, et qu'il devra présenter à toute réquisition des Agents du Gouvernement.

11. A défaut de paiement de la taxe, le recouvrement des trimestres échus sera poursuivi par voie de sommation, de commandement et de saisie dans la forme usitée en France pour les contributions directes.

12. Il n'est point dérogé à l'Article 27 de la Loi promulguée au "Journal Officiel" en date du 31 Juillet, 1896, fixant à 1,800 fr. le taux de la patente annuelle des marchands de métaux et de pierres précieuses.

13. Le présent Arrêté n'est pas applicable aux dépendances de Madagascar, dans lesquelles les tarifs en vigueur continueront à être appliqués.

Fait à Tananarive, le 3 Novembre, 1896.

GALLIEN

Vu :

HOMBERG, *Directeur des Finances et du Contrôle.*

LAW of the Venezuelan Government, respecting the Admission of Foreign Ships of War into the Ports of Venezuela.—Caracas, May 15, 1882.

(Translation.)

[No. 2419.]

Law of May 15, 1882, laying down the Rules and Formalities which Foreign Ships of War, are required to observe when Visiting the Ports of the Republic.

THE Congress of the United States of Venezuela decrees :

ART. 1. Foreign vessels of war are permitted to visit those ports only which are open to foreign commerce.

2. Foreign vessels of war are only permitted to enter such ports to the number of three or four at most, nor may they remain therein for a period exceeding thirty days.

3. If for any good and sufficient reason a number of foreign ships of war in excess of that laid down in Article 2 may find it necessary to enter a Venezuelan port, or if foreign vessels of war may require to prolong their stay therein beyond the period specified, or may desire to visit places not included in those open to foreign trade for purposes of scientific investigation, they should request the special permission of the President of the Republic, who may accord it or not, as he thinks expedient.

4. Foreign vessels of war in Venezuelan ports are subject to police and sanitary regulations, as also to regulations relative to place of anchorage, &c.

5. Should any breach of the above regulations occur, the local authorities shall abstain from taking measures against the extra-territoriality enjoyed by foreign vessels of war, and shall limit themselves to reporting the occurrence to the National Executive, in order that the latter may proceed in the matter in accordance with international usage.

Caracas, 11th May, 1882.

J. P. ROJAS PAUL, *President of the Senate.*

A. COVA, *President of the Chamber of Deputies.*

M. CABALLERO, *Secretary of the Senate.*

J. N. RAMIREZ, *Secretary of the Chamber of Deputies.*

Federal Palace of Caracas, 15th May, 1882. Year 19 of the Law and 24 of the Federation.

GUZMAN BLANCO.

CARLOS T. IRWIN, *Minister of War and Marine.*

PORTUGUESE DECREE remodelling the Charter of the
Mozambique Company.—Lisbon, May 17, 1897.*

(Translation.)

Ministry of Marine and the Colonies.

HAVING considered the representation made to me by the Mozambique Company regarding the advantages which would accrue to it from a remodelling of its Charter and the extension of the term of its concession ;

Considering that within the time specified in the Charter of the said Company it would be difficult or even impossible to recover the capital laid out on the large and expensive works necessary for the improvement of its ports, the opening up of means of communication, the development of the agricultural and mineral resources of the country, and the progressive improvement of the different branches of public service intrusted to the Company ;

Considering likewise that, by the provisions of the present Decree, the sovereign rights of the nation are in no way lessened, but rather confirmed, especially in all that relates to the defence of the territory, the administration of justice, the supervision by Government officials of the proceedings of the Company and the control exercised by the Governor-General of Mozambique ;

Having in view the fact that in return for the extension of the period of its concession the Company binds itself to pay one-half of the cost of the judicial and ecclesiastical services, to pay within a fixed time the cost of Government supervision, to secure ultimately to Government a share of the profits, and finally to transfer to Government one-tenth of the shares already issued or to be issued, which more than all gives the Government the right to control the administration of the Company ;

Further, bearing in mind that Colonial Companies having been established as they have been among us, it is better to give them liberty of action by strengthening their credit and stability, and assuring their existence, than by imposing burdens and making changes ;

Having given audience to the Consultative Board of the Colonies and the Council of Ministers ;

Finally, making use of the power given to the Government by § 1 of Article 15 of the first Additional Act of the Constitutional Charter of the Monarchy ;

I deem it right to decree the following :—

ART. 1. The territory whose administration and development

* Vol. LXXXIII, page 391.

are granted to the Mozambique Company by Decrees having the force of law, dated the 11th February* and 30th July, 1891,* and 22nd December, 1898, is bounded on the north by the River Zambezi from its southern mouth to its confluence with the River Luenha, including all the islands which until 1891 formed part of the prazos on the right bank of the Zambezi. On the north-west by the River Luenha, on the west by the frontier of the Province of Mozambique in the country between the Luenha and Limpopo Rivers and by this river at the point where it is intersected by meridian 32°; on the south by a line drawn from the above-mentioned point to the intersection of the 33rd meridian with latitude 22° and then by that parallel of latitude to the coast, the line being deflected wherever necessary to avoid dividing the territory of a Chief, and in such a way that the territory thus acquired by the Company shall, as far as possible, be equivalent to that handed to the Government; and on the east by the sea.

2. The administration of the territory to which the foregoing Article refers does not include—

- (1.) Acts of a political nature with any foreign State or Power;
- (2.) The right of transferring provisionally or definitely, in whole or in part, to a Company, undertaking or individual, any of the political or fiscal rights which are or may be given to the Company;
- (3.) Judicial and ecclesiastical functions;
- (4.) The exclusive right of defending the said territory, the Government reserving the sole right whenever it deems proper to post troops in the territory or march troops across it and garrison the entire frontier, and further to carry out all military operations which it may judge necessary within the territory as on the frontier;
- (5.) The right to fly a private flag, the Company being obliged to fly and use in all parts of the territory granted and on its buildings and craft the Portuguese flag to which may be added some distinctive mark.

3. The Company is obliged to give effect to the clauses and conditions of the Treaties, Conventions, or Agreements which the Government has entered into, or may enter into, with any foreign State or Power.

4. The Government shall organize the Judiciary in the Company's territory in conformity with the special conditions of the administration of the territory, giving to the employés of the said Company powers identical with those of similar positions and administrative authority in the country administered directly by the Government, so as to facilitate in the best possible way the carrying out of the work of that Department.

* Vol. LXXXIII, page 391.

The Magistrates and public prosecutors, as well as the officers of justice serving in the various judicial districts which exist or may be established within the territories of the Company, shall be appointed by the Government.

§ 1. All the expenses for carrying on the judicial and ecclesiastical services shall be paid one-half by the Company and half by the Government. The amount to be paid annually by the Company to the Government shall, during the first five years, be fixed at 10,410,000 reis, equal to one-half of what is actually devoted to these services. If, on the expiry of the first period of five years, these expenses are increased by the creation of new parishes or districts, the Company shall pay the Government one-half of the additional expense and so on during every succeeding period of five years.

§ 2. The Government, in accord with the Company, may establish Catholic Missions within the territory of the Concession, the Company paying to the Government one-half of the cost of same.

5. In case of war in the interior, exterior, or on the border of the territory described in Article 1 of this Decree, the Company shall place at the disposal of the Government the food-stuffs, arms, ammunition, and war stores in its possession, as well as land, river, and sea transport, Government paying only for the value of supplies consumed or rendered useless in its service and the cost of transport.

All the police force which the Company has or can raise shall also be at the service of the Government, which shall pay only the additional expense incurred for raising and maintaining such forces.

6. In the administration of the country granting it, the Company shall give effect to the following clauses, viz. :—

§ 1. Primary schools shall be established in all villages containing more than 500 inhabitants.

§ 2. An agricultural and technical school shall be established at the place most suitable for this, and, as occasion offers, experimental agricultural stations shall be instituted.

§ 3. The employés of the Company shall, as a rule, be Portuguese citizens, and when, as an exception, they are not, they shall sign a declaration expressly subjecting themselves, as regards everything done in the fulfilment of their duties to the Portuguese laws, authorities, and Courts, and renouncing their own nationality.

The Company, however, may not employ foreigners in any position to which judicial, administrative, or fiscal duties belong.

§ 4. To carry out the privileges and powers given by this Decree the Company shall raise and maintain sea and land police forces, submitting, for the approval of the Government, their

scheme of organization and the regulations of the service they are to perform. The officers of the land forces shall be chosen from those of the home or Colonial troops, and those of the sea forces from among naval officers. The right granted to the Company of maintaining sea and land forces cannot in any case debar the Government from acting in defence of territory belonging to the nation.

§ 5. The Company must regulate with a staff of special employés the fiscal administration of the entire territory and along the land and water frontiers, the regulations for this service being submitted for the approval of the Government.

7. The Company shall have full powers for the development and administration of the country, and to this end may issue shares, increase its share capital, obtain money by loans which must be secured on works, buildings, landed property, or any other legal security, undertake any works, establish or assist any industries, create banking Societies with power to issue notes or any other credit institutions or other undertakings it may deem proper within or without its territories, employ or authorize any system of agriculture or mining, carry on any business or manufacture, collect taxes, and in general do all that is not contrary to law or special regulations that may have been approved by the Government. The issue of notes shall be subject to the approval and superintendence of the Government and can only be effected in accord with the Colonial Bank, so long as the actual privileges of that bank endure.

§ 1. The regulations for trade in alcohol and other intoxicants, and of arms, powder, and explosives shall be in harmony with those which have been adopted in the part of the Province of Mozambique directly administered by the Government and shall depend on its sanction.

§ 2. On the railways, telegraphs, and other works or undertakings of public service no differential rates shall be put in force.

§ 3. The rates for passengers and goods by routes which are not by Treaty open to navigation shall be governed by the stipulations of Article XII of the Treaty of the 11th June, 1891,* and shall be submitted for the approval of the Government.

§ 4. Companies, Societies, or undertakings which may be established, shall be organized in conformity with Portuguese laws and the provisions of this Decree.

§ 5. The rates of import and export duties shall be determined by the Company after approval by the Government, but the produce of Portugal, its islands and Colonies, shall be protected by paying duties of not less than 50 per cent. below those paid by foreign goods, it being understood that the products of the territory shall pay in the

* Vol. LXXXIII, page 27.

custom-houses of Portugal, the islands or Colonias, the same duties as if they had come from any custom-house of the Province of Mozambique, and that these products shall be admitted into the Colonies with the reduction of 50 per cent. upon the ordinary duties.

§ 6. Vessels of the State shall enter free of charge any of the Company's ports, paying only the cost of services actually rendered on board or of supplies furnished.

§ 7. The transit of goods through the Company's territory shall be subject to regulations issued by the Government.

§ 8. The Company may reserve to itself any industry or branch of trade or may subject the carrying on of these industries or branches of trade to special regulations, but in either case the measures determined on depend on the approval of the Government with the exception of the privileges granted by the Decrees of the 11th February, 1891, the 30th July, 1891, and the 7th May, 1892.

§ 9. The levying of rates and taxes which are in force in the Province of Mozambique shall not be dependent on the approval of the Government except when an alteration is made in the rate or amount of percentage; but regulations as to new rates and taxes must be submitted to Government.

§ 10. In all departments of the Administration where the Company has no special regulations, the laws and regulations in force in the Province of Mozambique may be adopted, the necessary declarations for this purpose being published in the Company's Gazette.

§ 11. All other regulations which are of general interest, and affect the whole territory, shall be submitted to the Government for approval. This approval shall be taken for granted, provided a definite resolution has been taken about them within four months of the date of their presentation to the Secretary of Marine and the Colonies.

§ 12. The Company may alienate the *dominium utile* of the land within its Concession provided that it is expressly stated and secured in the deeds of transfer that on the expiry of the Company's Concession the Government shall receive a quit-rent of 10 reis per hectare in recognition of the *dominium directum* which the Government grants to the Company for the duration of its Concession. In a similar way the Government shall receive from the Company on the expiry of its Concession a minimum quit-rent of 10 reis per hectare for all land of which the Company may have acquired the *dominium utile*. From the quit-rent above mentioned are excepted the blocks of land belonging to the Company alternating with those which, lying along any line of railway constructed or to be constructed, have by special agreements, approved by the Government,

been exempted from quit-rent during the time mentioned in each special grant.

(1.) The transfer of more than 5,000 hectares to one body can only be made with the sanction of Government ;

(2.) The Company shall respect all private property in the Concession, and shall leave to the natives the land necessary for the cultivation of their food ;

(3.) Unoccupied land within a zone of 5 kilom. around villages existing on the 11th February, 1891, shall be divided equally between the State and the Company.

§ 13. The Company may, by any sort of title permitted by law, rent or transfer in part to any person, firms, Societies or Companies the agricultural, mineral, commercial or industrial Concessions made to it by this Decree so long as these grants are limited by the duration of the rights and privileges of the Company and do not represent the complete alienation of any rights or are not contrary to the principles established by this Decree. Every concessionnaire must, however, expressly bind himself to submit to the Portuguese laws and authorities and to refer to the decision of Portuguese Courts the disputes and suits which may arise between him and the Company. The concessionnaires shall also be liable to the rates and taxes mentioned in §§ 5 and 19 of this Article.

§ 14. The Company shall grant free to Government the land which it may require for fortifications, military posts or barracks, for the accommodation of judicial, ecclesiastical, and other functionaries, as well as for institutions for the public good.

§ 15. Carriage on the railways or vessels of the Company of troops, military officers on duty, and Government war material shall, in time of peace, be effected at a reduction of 75 per cent. on the general rates.

§ 16. The Company shall, within ten years, counting from the date of this Decree, establish in localities chosen in accord with the Government, up to 1,000 families of Portuguese colonists, which the Government shall land at any of its ports. A special regulation shall be submitted by the Company for approval by the Government making the other arrangements for this colonizing.

§ 17. The Company, throughout the period of the concession, shall have the *dominium utile* of all land belonging to the Government as well as the right to acquire other land and to hold what it has acquired by every legal means within or without the territory granted to it, without prejudice to the Crown domains, the special system of which shall be respected. On the expiry of the Concession all land cultivated or improved shall belong to the Company, subject, however, to quit-rent or the right of redemption.

§ 18. The Company has the right of collecting the native tax

("mussoco") from the natives within its territory, respecting, moreover, the rights of tax farmers which may not have expired and were granted by the Government prior to the 11th February, 1891.

§ 19. The Company has the right of levying contributions, in money or work, for works of public utility, the assessment of these contributions and their management and collection being subject to the approval of Government.

§ 20. The Company shall, in addition to the telegraph lines of the railway, construct a line connecting the mouth of the Pungwe with the right bank of the Zambezi.

8. Notwithstanding the terms of concessions and contracts which the Company shall make with third parties, it shall always be responsible to Government for the exact fulfilment of the terms of this Decree, and of the obligations resulting therefrom.

9. The Government may, at the conclusion of fifty years, counting from the date of the original grant, and after that, on the expiry of every period of twenty years, increase, alter, or recall any of the provisions of this Decree, or decree other Articles in substitution or amplification of these, so long as the right thus reserved to Government is exercised only with regard to the grant of exclusive rights, the dominion over land, and the Government functions that have been delegated by the State.

§ 1. At the same periods the Government may acquire, by paying for them, the buildings of the Company used exclusively or chiefly for the Departments of the public service which pass from the Company to the Government, and also the properties, constructions, and works of public interest which are capable of producing revenue, such as railways, canals, inland posts, quays, docks, telegraphs, waterworks, and such like.

(1.) The amount to be paid for the buildings used for the public service shall be fixed by agreement, or, failing agreement, by Arbiters;

(2.) In the event of recourse being had to arbitration, the appointment of Arbiters shall be made within fifteen days from the date on which the Company has received intimation thereto from the Royal Commissioner attached to the Company, this intimation being made with the proviso that, should the Company not appoint its Arbiters within that time, it will lose the right of contesting the valuations made by the Government. When the opinion of Arbiters is appealed to by the Company, the same rules and times shall have effect;

(3.) The Arbiters having been appointed, the Royal Commissioner attached to the Company shall give notice to them to form themselves, within the period of thirty days, into a Court to decide

the subject in dispute. The decision must be given within ninety days;

(4.) When the Arbiters for good reason have not given a decision within that time, such period may be prolonged by an agreement between the Government and the Company; the decision shall pass to the Judiciary when the Arbiters have not given their decision within the extended time, or no agreement has been come to regarding the extension;

(5.) When the valuation is made by Arbiters, and there should happen to be an equal division of opinion among them, the casting vote shall be given by an Arbitrer who shall be chosen by the Supreme Court in case of there being a disagreement as to his appointment;

(6.) The indemnity to be paid for buildings or property producing revenue will be the capital which, at an interest of 5 per cent., would produce a revenue equal to the average of the free revenue which the Company derived during the immediately preceding three years from the said properties and constructions. This capital sum may be paid in one sum or in yearly instalments, bearing interest also at 5 per cent., as the Government may choose;

(7.) When, however, this basis of calculation appears to the Company or the Government to be inaccurate on account of the buildings having deteriorated, or because their period of greatest profit has not come, or for any other reason, the amount payable may be determined by agreement or by Arbiters, as laid down in the case of the buildings used for the public services.

§ 2. If the Government should determine to acquire all the revenue-producing buildings and properties of the Company, it must also acquire the buildings used for the public services.

§ 3. The grant of mines made to the Company shall, as regards those that are developed and as long as they are worked, last for an indefinite period in accordance with common law.

§ 4. The grants by the Company of railways to be made may be for the period of ninety-nine years. The consent of the Government shall always be required to give them a definite character.

10. The Company shall fulfil the obligations of Article XIV of the Anglo-Portuguese Treaty of the 11th June, 1891, taking upon itself the obligation to carry out, without cost to the State, within the time and under the conditions therein stated, the works to which that Article refers.

The provisions as to the construction of a railway in the said Article shall be considered to have been carried out by the execution of the Decrees ("Alvara") of the 10th October, 1891, and 3rd March, 1892.

11. The Company shall have the character of an anonymous

Society with limited liability (Joint Stock Company). Its bye-laws shall be submitted to the Government for approval, in consultation with the Attorney-General and the Consultative Colonial Council.

§ 1. It shall be considered Portuguese for all purposes, and shall have its head office at Lisbon.

§ 2. The majority of members of the Administrative and Fiscal Boards shall always be Portuguese resident in Portugal, among whom, however, may be included those of the present members who are foreigners, and have resided more than twenty-five years in Portugal.

§ 3. During the term of the Concession the Government shall have the right to appoint three Directors to represent the State, chosen from among the Portuguese shareholders, and who are registered as such in the Company's books. The Directors so appointed shall hold office for ten years. The present Government nominees shall hold office for the same period, counting from the date of the present Decree. In future the appointment of the said Directors may be cancelled during any of the ten-year periods according as may be advantageous for the public good.

§ 4. The Company may establish in foreign countries branches composed of Directors living out of Portugal whenever the amount of capital subscribed in these countries shall warrant the establishment of such branches, whose relations with the Administrative Board at Lisbon shall be in accordance with the provisions of the Regulations approved of by Decree of the 14th March 1894.

§ 5. Attached to the Company there shall be a Royal Commissioner appointed by the Government, who must assist at all meetings of the Administrative and of the Fiscal Boards, where he shall have a consultative vote. He shall be a party to every administrative act, or shall be immediately informed of such. The duties of the Royal Commissioner shall be laid down by such instructions as the Government may consider necessary to carry out the provisions of this Article.

§ 6. The Company's principal agent in Portugal and its chief representative in Africa must both be Portuguese subjects. The former must reside in Portugal, and the latter within the Company's territory in Africa. The Governor of the Company in Africa shall have the same powers as the Colonial Governors for fiscal and administrative purposes, but without prejudice to the authority granted to the Governor-General of the Province of Mozambique by the Decree, having the force of law, of the 7th May, 1892.

§ 7. The supervision by the Government of the way in which the Company carries out the provisions of this Decree shall be effected in the territory included in the grant by an Intendente and staff of

assistants, including, until the Government may determine to the contrary, a Sub-Intendente.

The cost of this, up to 9,000,000 reis, shall be paid by the Company.

12. The capital of the Company shall be 4,500,000,000 reis. It may be divided into different series in accordance with the bye-laws.

§ 1. In return for the new value given to the Concession by this Decree, and in the place of the $7\frac{1}{2}$ per cent. which, by the Decree of the 30th July, 1891, was to be paid to Government from the net profits, the Government shall receive 10 per cent. of all the fully paid-up shares of the Company, including in this both the shares already issued as well as all the shares of all future issues and series.

§ 2. In respect of its shares, the Government, not only in the division of dividends, but also as to attendance at the general meetings, shall be considered a shareholder.

§ 3. In computing the number of shares belonging to the Government, the 2,000 shares which were in accordance with Article 13 of the bye-laws sanctioned by the Decree of the 28th December, 1891, set aside for the Colonial Institute founded by the Decree of the 11th January of the said year, shall not be included.

§ 4. During the course of the fifty years of the Concession the Government shall not collect any direct or indirect taxes within the territory included in the Concession.

§ 5. At the end of the first twenty-five years of the term of fifty years mentioned in Article 9 of this Concession the Government shall receive the further sum of $2\frac{1}{2}$ per cent. of the total free profit of the Company, and in the event of this reaching the amount of 10 per cent., the percentage paid to the Government shall be increased to 5 per cent.

13. If the Company should revolt against the Government, fail to carry out the provisions of this Decree, or to carry on for the public interest the powers conferred on it by this Decree, or neglect to recognize and give effect to the Treaties, Conventions, or Contracts with foreign Powers, the Government may cancel this Concession, on giving notice, without the Company having any claim for indemnity whatsoever.

In the event of the Company becoming insolvent or ceasing to exist before the expiry of the term of the Concession, this shall revert to the Government, without the Company having right to any indemnity whatever. The Government shall at once enter into possession of all the houses, buildings, and public works to which reference is made in paragraph 1 of Article 9, independently of the payment of indemnity which may come to be assessed subsequently by arbitration.

14. All disagreements which may arise between the Government and the Company with regard to the meaning, carrying out, and cancellation of this Decree, as well as the affairs dealt with in paragraph 1 of Article 9, shall be submitted to an Arbitration Board composed of two members appointed by the Government, two by the Company, and a fifth agreed upon by the other members, or failing agreement among them, by the Supreme Court. The terms for giving notice to the Arbiters and for their verdict shall be regulated by the provisions of paragraphs 2, 3, and 4 of (1) of Article 9 of this Decree.

The Arbitration shall decide the matter *ex æquo et bono*, and from its decision there shall be no appeal.

15. The Company must respect within the territories of the Concession and in its dealings with the inhabitants of those territories all religious faiths and cults, as well as all those of its customs and usages of the natives that are not opposed to the precepts of humanity and civilization.

16. The Government shall elaborate the regulations necessary for the carrying out of this Decree.

17. All laws opposed to this Decree are hereby revoked.

Lisbon, the 17th May, 1897.

THE KING

HENRIQUE DE BARROS GOMES.

ACT of the Liberian Legislature, respecting Revenue and Commerce.

[January 18, 1897.]

It is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature assembled :

§ 1. That from and immediately after this Bill shall become law on the undermentioned articles shall be paid the specific duty hereby after stated : rum and gin, 1 dol. 50 c. per gallon ; gold leaf tobacco 10 cents per lb. ; gun-powder, 10 cents per lb. ; salt, per cwt. 10 cents ; brass kettles, 10 cents per lb. ; all wines except claret 2 dollars per gallon ; whiskey, brandy, all cordials, and liquors 2 dollars per gallon ; ale, beer, and claret, 75 cents per gallon. All payable in gold. Cutlasses, 37 cents per dozen.

§ 2. Foreign traders resident and doing business in the ports of Robertsport, Monrovia, Marshall, Grand Bassa, Greenville, and Harper may trade along or establish factories at the principal trading points not ports of entry along the coast of Liberia. For this privilege they shall pay a licence of 500 dollars, gold, for each point

f trade, where buisness is done, into the Sub-Treasury of the proper county, but shall pay no other trading licence.

The points at which trade may be carried on, as well as the regulations respecting the same shall be named and promulgated by the Executive Government.

§ 3. The licence money shall be set aside as a fund out of which the Government may grant stipends to native Chiefs at trading places.

§ 4. No goods can be imported directly at points of trade, nor can any produce be exported directly therefrom. Both the goods used, and the produce exported, must be brought in and exported through the ports of entry named in § 2.

§ 5. All boats engaged in the trade between the ports of entry and the points of trade on the coast must be licensed, named, and numbered, and shall pay for said licence, which shall be issued as the law directs, the sum of 12 dollars in gold yearly.

§ 6. The town of Bopora in the Boatswaine country Montserrado County, is ordered to be garrisoned by the Executive Government which shall have power to raise and maintain a force of thirty men and officers for the purpose. Their pay shall be 6 dollars per month and rations, the officers' pay being in proportion. Foreign traders shall be invited to maintain depôts for the development of the interior trade at said town, but with Liberian factors. The Executive Government shall formulate necessary regulations. Nothing in this section shall be construed to authorize the opening of factories for the sale of goods by foreigners in any of the townships now existing on the St. Paul's River. But foreign traders may maintain warehouses as depôts on the roads and banks of the river, and use the river as a highway for their trade to and from the interior.

§ 7. The retail liquor licence shall hereafter be 200 dollars annually; for a six months' licence, 120 dollars shall be paid; for a three months' licence, 70 dollars in gold. One half of the licence shall go to the general Government. Cases, demijohns, or quantities of liquor from 3 to 5 gallons and upwards must be sold under a wholesale licence. Retailers of goods and merchandize, auctioneers, lawyers, physicians and all alien artisans, and craftsmen shall pay a licence of 25 dollars per year in gold. Pedlars shall pay 12 dollars, gold, per year.

Any law to the contrary notwithstanding.

Approved, 18th January, 1897.

*CORRESPONDENCE between Great Britain and France
relating to Madagascar.—1892-1897.*

No. 1.—The Marquess of Salisbury to M. Waddington.

M. L'AMBASSADEUR,

Foreign Office, May 16

I UNDERSTAND, from the verbal communications which Excellency has made to me, that your Government contemplating proposals at an early date before the French Legislature the establishment in Madagascar of a properly qualified Jurisdiction such as has been introduced in Tunis, to deal with all suits between Europeans or Americans. Your Government are of receiving an assurance that Her Majesty's Government prepared to accept for British subjects the jurisdiction of the Judiciary, and to forego in its favour the extraterritorial privilege under their Treaties with Madagascar, they are at present to claim for such subjects. On receiving such a declaration your Government are prepared to forego in the same manner the extraterritorial privileges which they are entitled to claim for their citizens in Zanzibar.

I have the honour to inform you that Her Majesty's Government are willing to give this assurance, and to consent, in cases where British subjects are concerned, to the establishment in Madagascar of a jurisdiction similar to that which was introduced in Tunis in 1883.

The course pursued on that occasion was as follows:—

A Law was passed by the French Legislature providing for the establishment of a French Tribunal and a certain number of Magistrates' Courts in Tunis, which were empowered to deal with all civil and commercial questions between French and French-protected persons, and to take cognizance of all proceedings instituted against French citizens and French-protected persons for infractions of the law, misdemeanours, or crimes. In criminal matters these Courts were to be assisted by Assessors, with a deliberative vote, selected by lot from a list to be drawn up every year, under conditions which were laid down in a special Regulation.

This Law was promulgated in the Regency by a Decree of the Bey, and a further Decree of the Bey enacted that the subjects of the friendly Powers whose Consular Tribunals should be suppressed should become amenable to the jurisdiction of the French Tribunal, under the same conditions as the French themselves.

Under this Decree Her Majesty's Government consented to waive the rights of Great Britain under the Capitulations and

Treaties to the extent which might be required to give full scope to the exercise of civil and criminal jurisdiction over British subjects by the new French Tribunals. They maintained, however, for their Consular officers the enjoyment of those privileges and immunities which are sanctioned by the custom prevalent in the East, and which partake of the character of those accorded to Diplomatic Agents in Europe.

They made also the following reservations:—

1. The right of British subjects to challenge Assessors in the new Courts.

2. The admission of duly qualified British advocates to practise before the Courts, without limitation of this privilege to those already established in Tunis.

3. The extension to Great Britain of all privileges reserved to any other Power in connection with the new system of jurisdiction in Tunis.

Modifications of detail may be required by the different circumstances of the present case, but in all matters of principle Her Majesty's Government will be prepared to follow this precedent, and to pursue a course similar to that which, in concert with the French Government, they pursued in the year 1883. The arrangements which were made at that time for Tunis have, on the whole, been of a successful character, and have given little cause for complaint; and there is every reason to hope that by working on the lines then laid down an equally satisfactory result will be accomplished in Madagascar. It will be gratifying to Her Majesty's Government if they are able to co-operate with the Government of the Republic in establishing a state of things which, while safeguarding completely the rights which British subjects possess in the Island of Madagascar, shall correspond with the position which, by the events of the last ten years, the French Republic has acquired in that country.

I have, &c.,

M. Waddington.

SALISBURY.

No. 2.—*M. Waddington to the Marquess of Salisbury.*—(Received June 10.)

M. LE MARQUIS,

Londres, le 10 Juin, 1892.

JE suis chargé par mon Gouvernement de vous entretenir de nouveau des propositions relatives à la reconnaissance des Tribunaux Français à Madagascar, qui ont été formulées dans votre lettre en date du 16 Mai et qui ont déjà fait l'objet de notre conversation du 20 Mai.

Ainsi que j'ai eu l'honneur de vous le dire, les propositions de votre Seigneurie ont causé à mon Gouvernement une vive surprise.

que l'étude attentive de leur portée n'a point déterminée; il estime que les conditions de procédure auxquelles vous subordonnez pour la première fois la reconnaissance de nos Tribunaux équivalent à un ajournement indéfini de cette reconnaissance. En effet, la Convention du 5 Août, 1890,* porte que l'Angleterre reconnaît le Protectorat de la France sur Madagascar "avec ses conséquences." Or, dans les pourparlers qui ont eu lieu entre votre Seigneurie et moi à cette époque, il a été dit explicitement que ces conséquences seraient les mêmes qu'à Tunis, mais il n'a jamais été fait allusion à la procédure à suivre, et c'est dans votre lettre du 16 Mai que cette question est soulevée pour la première fois. Ainsi, accord sur la nature des conséquences, silence sur le mode de procédure à employer; tel était le résultat de nos pourparlers. Votre Seigneurie reconnaît qu'il ne pouvait en être autrement, étant donnée la différence radicale qui existe entre le Protectorat d'un pays d'ancienne civilisation comme la Tunisie et celui d'un État moins complètement organisé comme Madagascar. Mais il importe peu. En reconnaissant notre Protectorat, l'Angleterre a reconnu notre droit supérieur à Madagascar; elle a reconnu que l'institution des Tribunaux Français était devenue une nécessité pour les Anglais comme pour les Français, et que cette création est au premier rang des devoirs que nous impose le Protectorat.

En ce qui touche l'organisation même des Tribunaux vous ne m'avez jamais fait qu'une seule objection, c'est qu'il y aurait de grands inconvénients pour les ressortissants à la juridiction Française d'avoir à porter les appels devant la Cour de la Réunion. Sur ce point le Gouvernement de la République a reconnu la bien fondé de vos observations et a décidé de placer la Cour d'Appel à Tamatave.

Mais votre Seigneurie m'a objecté à plusieurs reprises qu'elle ne croyait pas que nous eussions les moyens de faire exécuter les jugements de nos Tribunaux à Madagascar. Je vous ai fait observer que cette question relevait exclusivement du Gouvernement Français, et pour vous rassurer sur ce point j'ai été autorisé à vous déclarer que le Gouvernement de la République s'engage à faire exécuter les sentences de ses Tribunaux sous sa propre responsabilité et qu'il en a les moyens. Mon Gouvernement ne prévoit d'ailleurs aucune difficulté à ce sujet, du jour où le Gouvernement de Sa Majesté Britannique aura formellement reconnu l'autorité de nos Tribunaux sur ses nationaux. Au fond, c'est une simple affaire entre Européens et ne présente qu'un mince intérêt pour le Gouvernement Hova.

Permettez-moi maintenant d'appeler toute votre attention sur un autre ordre de faits, dont je vous ai souvent entretenu et qui

* Vol. LXXXII, page 89.

domine toute la situation. Il est évident que le Gouvernement Hova est encore convaincu que l'Angleterre ne compte pas exécuter la Convention du 5 Août d'une façon complète et définitive; les documents qui vous sont parvenus, aussi bien que nos propres informations, ne laissent subsister aucun doute sur ce point. Assurément, les instructions envoyées par le Gouvernement de Sa Majesté Britannique à ses Agents à Madagascar étaient précises et catégoriques; mais leur exécution a laissé beaucoup à désirer, et a produit sur le Gouvernement Hova l'impression que l'Angleterre n'avait pas encore dit son dernier mot. Cette impression a été confirmée par le langage de certains membres de la colonie Anglaise et par les articles du journal Anglais de Tananarive. Enfin il est évident que, tant que le Gouvernement de Sa Majesté n'aura pas annoncé sa résolution formelle de reconnaître les Tribunaux Français dès qu'ils fonctionneront, cette impression persistera chez les Hovas et les encouragera à la résistance.

Quoiqu'il en soit, je prends acte au nom de mon Gouvernement de la déclaration contenue dans la lettre de votre Seigneurie, à savoir, que le Gouvernement de Sa Majesté Britannique accepte, en ce qui touche ses nationaux, l'établissement à Madagascar d'une jurisprudence et de Tribunaux Français analogues à ceux qui ont été institués en Tunisie en 1883, et qu'il reconnaîtra ces Tribunaux aussitôt qu'ils fonctionneront et que nous nous serons mis en règle avec le Gouvernement Malgache.

Votre Seigneurie termine sa lettre par l'assurance que le Gouvernement de Sa Majesté Britannique sera heureux de pouvoir coopérer avec le Gouvernement de la République à l'établissement d'un état de choses qui, tout en sauvegardant les droits que les sujets Britanniques possèdent à Madagascar, sera conforme à la situation que, par suite des événements des dix dernières années, la France s'est acquise dans la Grande Ile. En prenant acte de ces paroles je n'ai pas besoin d'ajouter que le Gouvernement de la République est prêt à agir de même à Zanzibar.

Veuillez, &c.,

Le Marquis de Salisbury.

WADDINGTON.

No. 3.—*The Marquess of Dufferin to the Marquess of Salisbury.*—
(Received January 17.)

MY LORD,

Paris, January 15, 1896.

I HAVE the honour to transmit herewith to your Lordship extracts from the French Yellow Book, which has just been published, on the subject of the arrangement which the Officer in

Command of the French forces was authorized to conclude with the Hova Government. I have, &c.,

The Marquess of Salisbury.

DUFFERIN AND AVA.

*(Inclosure 1.)—Draft Treaty.**

Le Gouvernement de la République Française et le Gouvernement de Sa Majesté la Reine de Madagascar, en vue de mettre fin aux difficultés qui se sont produites entre eux, ont nommé, &c.

Lesquels, après s'être communiqué leurs pleins pouvoirs, qui ont été reconnus en bonne et due forme, sont convenus de ce qui suit :—

ART. I. Le Gouvernement de Sa Majesté la Reine de Madagascar reconnaît et accepte le Protectorat de la France avec toutes ses conséquences.

II. Le Gouvernement de la République Française sera représenté auprès de Sa Majesté la Reine de Madagascar par un Résident-Général.

III. Le Gouvernement de la République Française représentera Madagascar dans toutes ses relations extérieures.

Le Résident-Général sera chargé des rapports avec les Agents des Puissances étrangères; les questions intéressant les étrangers à Madagascar seront traitées par son entremise.

Les Agents Diplomatiques et Consulaires de la France en pays étranger seront chargés de la protection des sujets et des intérêts Malgaches.

IV. Le Gouvernement de la République Française se réserve de maintenir à Madagascar les forces militaires nécessaires à l'exercice de son Protectorat.

Il prend l'engagement de prêter un constant appui à Sa Majesté la Reine de Madagascar contre tout danger qui la menacerait ou qui compromettrait la tranquillité de ses États.

V. Le Résident-Général contrôlera l'administration intérieure de l'île.

Sa Majesté la Reine de Madagascar s'engage à procéder aux réformes que le Gouvernement Français jugera utiles à l'exercice de son Protectorat, ainsi qu'au développement économique de l'île et au progrès de la civilisation.

VI. L'ensemble des dépenses des services publics à Madagascar et le service de la dette seront assurés par les revenus de l'île.

Le Gouvernement de Sa Majesté la Reine de Madagascar

* For text of Treaty and Protocol signed at Antananarivo on October 1, see Vol. LXXXVIII, page 447.

s'interdit de contracter aucun emprunt sans l'autorisation du Gouvernement de la République Française.

Le Gouvernement de la République Française n'assume aucune responsabilité à raison des engagements, dettes, ou concessions que le Gouvernement de Sa Majesté la Reine de Madagascar a pu souscrire avant la signature du présent Traité.

Le Gouvernement de la République Française prêtera son concours au Gouvernement de Sa Majesté la Reine de Madagascar pour lui faciliter la conversion de l'Emprunt du 4 Décembre, 1886.

VII. Il sera procédé dans le plus bref délai possible à la délimitation des territoires de Diégo-Suarez. La ligne de démarcation suivra, autant que le permettra la configuration du terrain, le 12° 45' de latitude sud.

Protocole Annexe.

ART. 1^{er}. L'Article IV du Traité du 8 Août, 1868, et l'Article VI du Traité du 17 Décembre, 1885, seront l'objet d'une révision ultérieure destinée à assurer aux nationaux Français le droit d'acquérir des propriétés dans l'Ile de Madagascar.

2. Les nationaux des Puissances étrangères dont les Tribunaux Consulaires seront supprimés deviendront justiciables des Tribunaux Français dans les mêmes conditions que les Français eux-mêmes.

(Inclosure 2.)—*M. Hanotaux to M. Ranchot.**

MONSIEUR,

Paris, le 9 Avril, 1895.

Vous connaissez le texte du projet d'Arrangement qui a été approuvé par le Gouvernement et que le Commandant du Corps Expéditionnaire est chargé de soumettre à l'adhésion du Gouvernement Malgache.

Les dispositions de ce projet, qui sont relatives à la reconnaissance de notre Protectorat, aux attributions du Résident-Général, au maintien des forces militaires nécessaires à l'exercice du Protectorat, &c., ne me paraissent pas exiger des explications particulières.

Je crois utile, au contraire, de préciser les vues dont s'est inspiré le Gouvernement en adoptant les stipulations contenues à l'Article V, § 2, du Projet d'Arrangement et au Protocole annexe.

Aux termes de l'Article V, § 2, Sa Majesté la Reine de Madagascar "s'engage à procéder aux réformes qui seront reconnues

* *Adjoint to the Resident-General.*

nécessaires au développement économique de l'île et au progrès de la civilisation."

Dans la pensée du Gouvernement, les premières réformes qu'il conviendra de réaliser concernent l'amélioration du régime de la corvée, la suppression progressive de l'esclavage, et l'organisation de l'administration judiciaire.

Comme vous le savez, à Madagascar, la corvée consiste dans l'obligation imposée à tout homme libre, par le Gouvernement et par ses Représentants, de faire gratuitement un travail et d'accomplir une prestation, dans un but d'utilité publique.

La corvée, ainsi comprise, correspond, dans l'état actuel du développement social du peuple Malgache, à des besoins réels. Il est cependant certain que la prestation de cette sorte d'impôt personnel a donné lieu à de graves abus. Détournée de son but d'origine, la corvée n'a pas été employée uniquement, comme elle devait l'être, à satisfaire un intérêt général; elle a été mise au service d'exigences purement privées.

Par sa répartition inégale et arbitraire elle est devenue, en maintes circonstances, un fardeau insupportable pour les habitants. Ainsi pratiquée, elle a fini par mettre obstacle à tout travail régulier et rémunérateur, et par empêcher un emploi normalement assuré à la main-d'œuvre libre.

Nous ne saurions, toutefois, nous dissimuler les inconvénients qu'il y aurait à tenter de supprimer ou de modifier radicalement dès le début de notre Protectorat une institution qui, malgré ses défauts, est si profondément entrée dans les mœurs et les habitudes du pays. Il suffira, pour le moment, d'en empêcher les abus, d'en ramener l'emploi au but d'utilité générale qui a été son principe, et d'en répartir équitablement la charge entre les contribuables. Sous certains aspects elle est une sorte d'impôt dont nous ne pouvons recommander l'abolition avant que le Gouvernement Hova soit en mesure d'y suppléer d'une autre manière.

La question de l'esclavage, qui est avec la corvée une des bases de l'organisation sociale de Madagascar, s'impose encore plus impérieusement aux préoccupations du Gouvernement.

Des nombreuses observations qui ont été recueillies, il résulte que l'esclavage revêt à Madagascar un caractère particulier qui le différencie sensiblement de l'esclavage Africain: il a cessé, en fait et en droit, de s'alimenter par la Traite, et, en règle générale, il ne se perpétue que par les naissances d'enfants issus de femmes esclaves. Dans la pratique il paraît être devenu une sorte de servage domestique; on s'accorde aussi à reconnaître que les Hovas sont doux et humains envers leurs esclaves, et que la condition de ces derniers n'est point matériellement malheureuse.

Les considérations de fait ne sauraient, malgré tout, nous faire

oublier l'immoralité de cette institution et les inconvénients qu'elle pourrait avoir pour le développement ultérieur de la colonisation Française dans la Grande Ile. Les principes de notre civilisation et nos traditions nationales exigent que l'esclavage disparaisse d'une terre soumise à l'influence Française. La France ne va pas seulement à Madagascar pour y faire respecter ses droits, mais aussi pour y faire acte de Puissance civilisatrice. Nous ne saurions non plus admettre que, sur le domaine du Protectorat, le travail servile restât normalement organisé pour faire une concurrence indéfinie au travail libre des colons Européens.

Il est évident cependant qu'à l'heure présente, en raison même des obscurités de la situation actuelle, nous ne pouvons que poser en principe l'abolition de l'esclavage, en nous réservant le choix du moment et des voies et moyens. Rien ne s'oppose d'ailleurs à ce que nous mettions dès maintenant à l'étude l'adoption de certaines mesures propres à amener la suppression graduelle de l'esclavage, telles que l'interdiction de la vente des esclaves, la faculté pour les esclaves de se racheter, la proclamation de la liberté en faveur des enfants qui naîtront à l'avenir des femmes esclaves, &c.

La question du droit de propriété foncière a donné lieu entre le Gouvernement Français et le Gouvernement Hova à des malentendus qui ont été entretenus en partie par la conception particulière que les Hovas se sont faite du droit de propriété du sol.

Au point de vue Malgache, la Reine seule est propriétaire du sol ; ses sujets ne peuvent acquérir d'autre droit que celui d'une sorte d'usufruit, d'une durée illimitée, transmissible indéfiniment, soit par vente, donation, testament, droit d'héritage ou autrement : mais ce droit est révocable au gré de la Reine.

Il semble donc que les Hovas, par une fiction commune d'ailleurs à d'autres nations, ont été amenés à établir une certaine confusion entre le droit de propriété du sol et l'idée de la souveraineté représentée par la Reine.

Pour tourner la difficulté, on a eu recours à la conclusion de baux à long terme, dont la durée ne pouvait dépasser quatre-vingt-dix-neuf ans. En fait, un bail pour une période aussi longue équivalait à un véritable droit de propriété. Toutefois cette conception de droit est tellement contraire aux principes généralement admis qu'il y a un intérêt évident à constituer pour la propriété du sol par les particuliers un régime plus conforme aux règles en usage dans tous les pays civilisés.

C'est en vue de cette réforme nécessaire, qui fera également l'objet d'une étude spéciale et approfondie, que le Gouvernement a introduit dans le Protocole Annexe une disposition ainsi conçue : " L'Article IV du Traité du 8 Août, 1868, et l'Article VI du Traité

du 17 Décembre, 1885, feront l'objet d'une révision ultérieure destinée à assurer aux nationaux Français le droit d'acquérir des propriétés dans l'Ile de Madagascar."

La reconnaissance de notre Protectorat par les Hovas et son application doivent avoir pour corollaire indispensable l'extension de la juridiction des Tribunaux Français aux étrangers établis dans la Grande Ile. Aussi le Protocole Annexe dispose, dans son Article 2, que "les nationaux des Puissances étrangères dont les Tribunaux Consulaires seront supprimés deviendront justiciables des Tribunaux Français dans les mêmes cas et les mêmes conditions que les Français eux-mêmes."

Nous ne pouvons nous borner à assurer aux Français et aux étrangers les bienfaits d'une administration de la justice entourée de toutes les garanties que la science juridique, la dignité et la haute intégrité de la Magistrature Française peuvent offrir à ses justiciables; nous avons également des devoirs de même ordre à remplir vis-à-vis des indigènes.

Il existe à Madagascar, mais à l'état rudimentaire, une organisation judiciaire indigène.

Des plaintes sans nombre ont malheureusement démontré que les Magistrats Hovas ne possédaient ni l'indépendance ni l'intégrité qui devraient être inhérentes à leurs fonctions.

Soumis à Tananarive à l'influence du Premier Ministre, de son entourage et des "grands," subordonnés dans les provinces à la toute-puissance des Gouverneurs, ils ne rendent d'autres sentences que celles qu'ils savent être agréables aux autorités supérieures.

Le besoin d'une Magistrature intègre et éclairée est un de ceux qui sont le plus vivement ressentis et manifestés par le peuple Malgache. Aussi sommes-nous en droit d'espérer que c'est en donnant satisfaction à ces légitimes aspirations que nous parviendrons à faire accepter et apprécier plus rapidement par le peuple les bienfaits de notre Protectorat.

Nous aurons donc à rechercher, par un contrôle prudent et exercé, les moyens de moraliser l'administration de la justice indigène, à laquelle nous devons assurer l'indépendance et imposer l'intégrité.

Il est évident cependant que, dans l'état encore incomplet de nos connaissances des lois et coutumes du pays, nous ne saurions sans danger provoquer des réformes précipitées ou incomplètement étudiées, qui ne toucheraient que les relations entre indigènes.

Il devra en être autrement dans les causes mixtes. Dans ces espèces il nous appartiendra d'intervenir plus directement, d'autant plus que le principe de la constitution de Tribunaux Mixtes nous a déjà été garantie par l'Article IV du Traité du 17 Décembre, 1885. Nous aurons donc à prévoir les mesures destinées

mettre en pratique les stipulations antérieures dans un sens conforme à l'esprit qui a présidé à la conception générale du nouveau Traité.

M. Ranchot.

G. HANOTAUX.

No. 4.—Baron de Courcel to the Marquess of Salisbury.—(Received February 13.)

*Ambassade de France, Londres,
le 11 Février, 1896.*

M. LE MARQUIS,

A LA suite de difficultés survenues à Madagascar dans l'exercice de son Protectorat, le Gouvernement de la République a été obligé d'intervenir militairement pour faire respecter ses droits et s'assurer des garanties pour l'avenir.

Il a été ainsi amené à faire occuper l'île par ses troupes et à en prendre possession définitive.

J'ai l'ordre de mon Gouvernement d'en donner notification au Gouvernement Britannique.

Veillez, &c.,

Le Marquis de Salisbury.

ALPH. DE COURCEL.

No. 5.—The Marquess of Salisbury to Baron de Courcel.

YOUR EXCELLENCY,

Foreign Office, February 20, 1896.

I HAVE the honour to acknowledge receipt of your Excellency's note of the 11th instant, in which you state that, in consequence of difficulties which arose in Madagascar in the exercise of the French Protectorate, the Government of the Republic was obliged to take military action in order to enforce respect for its rights, and to secure guarantees for the future.

Your Excellency adds that the Government of the Republic was thus led to occupy the island by its troops, and to take definitive possession of it, and that you are instructed to notify the same to Her Majesty's Government.

In thanking your Excellency for this communication, I have the honour to state that I must reserve all existing rights of Her Majesty's Government in Madagascar, pending communication of the terms of the Treaty which is understood to have been concluded between the Government of the Republic and that of Madagascar.

I have, &c.,

Baron de Courcel.

SALISBURY.

No. 6.—The Marquess of Dufferin to the Marquess of Salisbury.—
(Received March 5.)

MY LORD,

Paris, March 4, 1896.

I HAVE the honour to transmit herewith to your Lordship the text of the Treaty signed by the Queen of Madagascar on the 18th January last.

I have, &c.,

The Marquess of Salisbury.

DUFFERIN AND AVA

(Inclosure.)

MINISTÈRE DES AFFAIRES ÉTRANGÈRES.—DOCUMENTS
DIPLOMATIQUES.

AFFAIRES DE MADAGASCAR.

(1.)

RÉPUBLIQUE FRANÇAISE.

Résidence Général de Madagascar.

Tananarive, le 18 Janvier, 1896.

CE 18 Janvier, 1896, la Reine de Madagascar, en son Palais d'Argent, en présence du Résident-Général de France et du Premier Ministre de son Royaume, a signé l'Acte dont est ci-joint le texte original.

Sa Majesté a conservé un exemplaire de ce texte.

HIPPOLYTE LAROCHE,

Résident-Général de France.

(2.)

Déclaration de la Reine de Madagascar.

[See Vol. LXXXVIII, page 1223.]

(3.)

M. Berthelot, Ministre des Affaires Étrangères, aux Ambassadeurs de la République Française à Londres, Berlin, Vienne, Saint-Petersbourg, Rome, Madrid, Washington, et aux Ministres à Copenhague, Stockholm, Lisbonne.

(Télégramme.)

Paris, le 11 Février, 1896.

JE vous prie d'adresser par écrit, au Gouvernement auquel vous êtes accrédité la Notification suivante.

M. BERTHELOT.

" Notification.

"A la suite de difficultés survenues à Madagascar dans l'exercice de son Protectorat, le Gouvernement de la République a été obligé d'intervenir militairement pour faire respecter ses droits et s'assurer des garanties pour l'avenir.

"Il a été ainsi amené à faire occuper l'île par ses troupes et à en prendre possession définitive.

"J'ai l'ordre de mon Gouvernement d'en donner notification au Gouvernement de ."

(Par Lettres.)

Les mêmes instructions ont été adressées à nos Représentants à Constantinople, Berne, Bruxelles, La Haye, Athènes, &c.

No. 7.—*M. Geoffray to the Marquess of Salisbury.*—(*Received April 11.*)

*Ambassade de France, Londres,
le 10 Avril, 1896.*

M. LE MARQUIS,

LE 20 Février dernier votre Seigneurie a bien voulu faire connaître au Baron de Courcel, en réponse à la communication qu'il lui avait adressée au sujet de la prise de possession de Madagascar par le Gouvernement Français, que le Gouvernement de la Reine réservait tous les droits dans l'île en attendant la communication du Traité que votre Seigneurie pensait avoir été conclu entre la France et Madagascar.

Mon Gouvernement me charge aujourd'hui d'appeler l'attention du Gouvernement de la Reine sur le fait qu'aucun Traité n'est intervenu entre le Gouvernement de la République et celui de Madagascar. A la suite des événements militaires auxquels a donné lieu la résistance des autorités Malgaches à l'exercice du Protectorat Français, le Gouvernement de la République a pris purement et simplement possession de la Grande Ile Africaine. La Reine de Madagascar, à qui cette prise de possession a été signifiée, s'est soumise à cette décision et a souscrit aux conditions qu'on a jugé nécessaire d'imposer pour assurer la bonne administration du pays.

Dans cette situation, le Gouvernement Français se propose d'assumer à Madagascar la juridiction sur les étrangers, et, à cet effet, il a, par un Décret du 28 Décembre, 1895, organisé les Tribunaux Français dans le pays dont il s'agit. Votre Seigneurie trouvera, sous ce pli, le texte de ce Décret. Déjà en 1890, le

Gouvernement de la République avait projeté d'exécuter cette réforme et ce projet n'avait soulevé aucune objection de la part du Gouvernement de la Reine. Je me permets du reste de rappeler à votre Seigneurie qu'il est dans les traditions constantes de l'administration Britannique de supprimer les juridictions Consulaires dans les pays pourvus d'une juridiction régulière telle qu'elle existe dans les pays de Chrétienté. Dans un entretien qu'il a eu, le 10 Mars dernier, avec le Baron de Courcel, Sir Thomas Sanderson avait donné à penser à l'Ambassadeur de France que le Gouvernement Anglais n'avait pas modifié sa manière de voir à ce sujet.

Dans cet état de choses le Gouvernement de la République ne plaît à croire que le Gouvernement de Sa Majesté Britannique ne fera pas difficulté à envoyer aux autorités Consulaires Anglaises à Madagascar des instructions prescrivant à ces agents de fermer leurs Tribunaux Consulaires, lorsque le Résident-Général leur aura notifié que l'installation des Tribunaux Français, institués par le Décret du 28 Décembre, 1895, est un fait accompli.

Mon Gouvernement me charge en outre de signaler à votre Seigneurie que la prise de possession de Madagascar a pour effet la substitution du régime douanier Français à celui qui est actuellement en vigueur dans l'île. Le Ministre Français des Colonies, se conformant aux dispositions du § 3 de l'Article 3 de la Loi du 11 Janvier 1892, a déposé le 17 Mars dernier, sur le Bureau de la Chambre des Députés, un Projet de Loi tendant à l'application simultanée de ce régime à Madagascar et dans ses dépendances. En effet, Diego-Suarez ainsi que Nossi-bé et Sainte-Marie ont été, jusqu'ici, en vertu de la Loi précitée, laissés en dehors de l'application de cette Loi. Dès le vote par le Parlement du projet déjà soumis à la Chambre des Députés, les produits Français seront admis à franchise à Madagascar; mais jusqu'à l'expiration du délai prévu par la Loi de 1892 pour la mise en vigueur dans les possessions Françaises du régime qu'elle établit, les droits et règlements de douane actuels continueront à être appliqués aux produits étrangers.

Veillez, &c.,

Le Marquis de Salisbury.

GEOFFRAY.

(Inclosure.)

MINISTÈRE DES COLONIES.

Rapport au Président de la République Française.

M. LE PRÉSIDENT,

Paris, le 28 Décembre, 1896.

LES récents événements qui ont confirmé l'autorité de la France à Madagascar obligent les pouvoirs publics à établir dans cette possession Française une justice régulièrement organisée.

Sans toucher aux juridictions indigènes j'ai préparé le projet ci-joint, organisant à Madagascar des Tribunaux de Première Instance, des Justices de Paix à compétence étendue ou ordinaires, une Cour d'Appel, et des Cours d'Assises.

D'accord avec M. le Garde des Sceaux, j'ai l'honneur de soumettre à votre haute approbation ce projet, qui aura pour résultat d'assurer dans l'île une équitable répartition de la justice.

Je vous prie, &c.,

GUIEYSSE, *Ministre des Colonies.*

Decree of December 28, 1895.

[See Vol. LXXXVII, page 1183.]

No. 8.—The Marquess of Salisbury to M. Geoffray.

SIR,

Foreign Office, April 15, 1896.

I HAVE the honour to acknowledge receipt of your note of the 10th instant relating to Madagascar, and to assure you that its contents will receive the best consideration of Her Majesty's Government.

I have &c.,

M. Geoffray.

SALISBURY.

No. 9.—The Marquess of Salisbury to the Marquess of Dufferin.

MY LORD,

Foreign Office, April 25, 1896.

I INCLOSE a note received from M. Geoffray, the French Chargé d'Affaires, dated the 10th instant,* notifying certain points in which, in the opinion of the French Government, British interests will be affected by the present position of France in Madagascar.

After careful consideration, I find it impossible to understand, without further explanation, the attitude of the French Government in the matter.

Great Britain has a Treaty with Madagascar, dated the 27th June, 1865.† Its provisions confer upon British subjects trading rights in the whole island, with the exception of three places which were at that time venerated as sacred towns. They concede most-favoured-nation treatment in regard to commerce and all other matters, freedom as regards religious worship and the teaching of religion, and most-favoured-nation treatment in regard to the purchase and leasing of land and other property. They stipulate

* No. 7, page 1047.

† Vol. LV, page 19.

for perfect freedom of trade between Great Britain and Madagascar, subject to the imposition of import and export duties limited to a maximum of 10 per cent.

This was the Treaty in force when, on the 27th December, 1885, the French Government authorized its Representative in London to give to Her Majesty's Government the following explicit assurance regarding the Treaty between France and Madagascar of the 17th of that month:* "*Ce Traité ne change rien aux Traités actuellement existants entre le Gouvernement Hova et les autres États. Au surplus, il n'est jamais entré dans notre pensée de mettre obstacle par ces arrangements au libre développement des intérêts privés qui pourraient se fonder à Madagascar, de quelque nationalité qu'ils relèvent.*"

This explicit assurance was further confirmed by the Declaration exchanged between the British and French Governments on the 5th August, 1890,† in which the former agreed to recognize the Protectorate of France over Madagascar with its consequences, and the latter engaged that the establishment of the Protectorate should not affect any rights or immunities enjoyed by British subjects in the island.

In 1894 the French Government found it necessary to undertake a military expedition in consequence of difficulties with the Hova Government.

On the 12th November of that year M. Hanotaux, then Minister for Foreign Affairs, made a speech in the Chamber of Deputies, in which, referring to the acknowledgment by Great Britain, in the Declaration of 1890, of the French Protectorate with its consequences, he stated that the Declaration established a parallelism in form as well as in substance between Zanzibar and Madagascar.

On the 6th of the following month, in the discussion in the Senate respecting the grant of the necessary credit for the expenses of the expedition, M. Hanotaux stated that France was going to Madagascar to establish there definitively the system of Protectorates, and to consecrate there in a decisive manner the authority of France. He added that it was necessary that the protected should recognize the authority of the Protecting State, that in order to make that authority effective it had become essential to make the protected State feel it by force, and that for that purpose it would be necessary to occupy the capital, and to place troops there sufficient to overcome resistance.

On the 9th April, 1895, M. Hanotaux addressed a despatch to M. Ranchot, Adjoint to the Resident-General, published in the Yellow Book, in which, while communicating the draft of the

* Vol. LXXVI, page 477.

† Vol. LXXXII, page 92.

arrangement which the officer in command was authorized to conclude with the Hova Government, he explained that its provisions related to the recognition of the Protectorate, to the powers of the Resident-General, and to the maintenance of the military forces necessary for the exercise of the Protectorate. The explanation was completely in accord with the terms of the draft.

On the 1st of the following October, after the occupation of the capital, the projected arrangement was concluded, and a Treaty, in the terms of the draft, was signed, and ratified by the Queen.

Shortly afterwards there was a change of Government. On the 27th November M. Berthelot, who had succeeded M. Hanotaux as Minister for Foreign Affairs, made a declaration in the Chamber of Deputies to the following effect:—

“L’Île de Madagascar est aujourd’hui une possession Française.

“L’expédition a amené des sacrifices douloureux, supérieurs à toutes prévisions, et qui nous ont donné le droit d’exiger des compensations étendues et des garanties définitives.

“Le Gouvernement doit faire connaître aux Chambres et au pays les décisions que cette situation a paru lui rendre nécessaires.

“Il ne peut en résulter aucune difficulté extérieure; nous n’avons pas besoin de déclarer que nous respecterons les engagements que nous avons contractés vis-à-vis de certaines Puissances étrangères: la France a toujours été fidèle à sa parole.

“Quant aux obligations que les Hovas eux-mêmes ont pu contracter au dehors, sans avoir à les garantir pour notre propre compte, nous saurons observer, avec une entière loyauté, les règles que le droit international détermine au cas où la souveraineté d’un territoire est, par le fait des armes, remise en de nouvelles mains.

“Sous cette double réserve nous sommes résolus à exercer, notamment au point de vue économique, tous les droits qui résultent pour nous de l’occupation définitive de Madagascar.”

The assurance thus given as to the respect for engagements with foreign Powers, covering, as far as Great Britain is concerned, those of M. de Freycinet’s Notification of the 27th December, 1885, and of the Declaration of the 5th August, 1890, was sufficiently explicit. It was, however, noticed that the term “sovereignty” was substituted for “Protectorate.” The employment of this phrase gave rise to doubt whether it was intended to deprive the Queen of her sovereignty, and to abandon the policy of protection for that of annexation. It consequently caused some anxiety to Her Majesty’s Government, who, up to that date, having accepted the successive engagements and assurances already cited, and having carefully abstained from interference with the course of events, had every reason to believe that the sole intention of the French Government was to compel recognition of the Protectorate, and that existing

British interests would not be endangered by any consequences that might ensue.

Any doubt that may have been entertained as to the intentions of the French Government was, however, dispelled by the further statement made by M. Berthelot on the 19th March last. He then informed the Chamber that another arrangement had been substituted for that of the 1st October. He said that this new deed, which was signed by the Queen of Madagascar, was unilateral, whereas the former had been bilateral. He stated distinctly that the deed signed by the Queen did not signify annexation of the island by France; that the external sovereignty was reserved to France, who would henceforward undertake the relations between Madagascar and foreign Powers, but that the internal sovereignty was reserved to the Queen, who would maintain her titles and honours. He referred as a precedent for the status of the island under the deed to the position, as regards the British Government, of certain States in India.

Examination of the deed, which was signed on the 18th January, two months after the original statement of M. Berthelot, shows that it is in the main identical with that originally signed by General Duchesne, the Commander of the expedition; differing only in so far that it makes no direct mention of Protectorate, and that a stipulation is omitted which provided that the French Government would accept no responsibility for antecedent engagements, debts, and concessions of the Hova Government. On the other hand, there is no imposition of sovereignty, and the position of the Queen remains in every respect the same as it was under the October Treaty, in which it was expressly recorded that the status of her kingdom was that of a Protectorate.

The contention of M. Hanotaux as to the parallelism between Zanzibar and Madagascar would seem, therefore, to have been exactly observed. In both States the Ruler remains in undisturbed possession of the throne, and retains the attributes of internal sovereignty, while the Protecting Power exercises the attributes of external sovereignty. In both the position of foreign Powers should be identical. Your Excellency is aware that the French Government has hitherto acted consistently upon the principle that in Zanzibar the Treaty rights of France remain intact, and have in no way been detrimentally affected by the proclamation of the British Protectorate.

M. Berthelot laid some stress on the fact that the January deed was unilateral. It would appear from his remarks that such a deed, not requiring ratification by the President of the Republic, was held by the French Government to be politically preferable. This is a point on which Her Majesty's Government have no right to express

an opinion, but it is difficult to comprehend how such an alteration of form, based on considerations apparently connected with domestic legislation, could legitimately be held to modify the Treaty rights of foreign Powers.

It is admitted that France has not annexed Madagascar, and has not incorporated it in the possessions of the Republic. The Queen still remains the Sovereign of the island, and as such has signed an engagement. The situation so arising is one that is familiar to international law. The following opinion of Vattel (Chitty, 1834, p. 216) deals with engagements of the nature here described:—

“Since a nation or a State, of whatever kind, cannot make any Treaty contrary to those by which she is actually bound, she cannot put herself under the protection of another State without reserving all her alliances and all her existing Treaties. For the Convention, by which a State places herself under the protection of another State, is a Treaty; if she does it of her own accord she ought to do it in such a manner that the new Treaty may involve no infringement of her pre-existing ones.”

This opinion appears to be directly applicable to the case of the unilateral deed executed by the Sovereign of Madagascar.

Since, however, M. Berthelot in his argument referred as a precedent for the status which it is contemplated to create in Madagascar to that of the protected States of India, I will explain that status, which, however, must be well known to your Excellency.

The protected States of India are not annexed to, nor incorporated in, the possessions of the Crown. The rulers have the right of internal administration subject to the control of the Protecting Power for the maintenance of peace and order and the suppression of abuses. The latter conducts all external relations. The position has been defined as that of subordinate alliance. It has, however, never been contended that if those States had had pre-existing Treaties with foreign Powers the assumption of Protectorate by Great Britain would have abrogated those Treaties. It could not have had, and in no case has had, such consequences.

It results from this explanation that an appeal to the precedent of the Indian States gives no authority for interference with Treaties.

Her Majesty's Government entertain no doubt, on a review of these considerations, that the Treaty between Great Britain and Madagascar is still in full and undiminished force. They cannot admit that a war, which was avowedly undertaken to maintain the Protectorate under which British rights were unassailable, can be used to justify an arrangement by which those rights are abrogated.

I do not, indeed, find in M. Geoffray's note of the 10th instant any statement that British rights are held by the French Government to have lapsed. Nevertheless, M. Geoffray intimates that in two important respects the French Government considers itself entitled to make claims inconsistent with the rights which the Treaty confers. It is proposed to assume jurisdiction over foreigners, and to substitute for the existing fiscal system that of the French Customs régime, under which French products would enjoy preferential treatment over those of the Treaty Powers.

I have to observe that on the question of jurisdiction Her Majesty's Government will be prepared to waive their Treaty right. It was agreed by the notes exchanged between M. Waddington and myself on the 16th May and 10th June, 1892, that Her Majesty's Government would accept French jurisdiction over British subjects in Madagascar, and would forego the extraterritorial privileges secured by Treaty, in return for the reciprocal surrender by the French Government, in favour of Great Britain, of the extraterritorial privileges claimed for French citizens in Zanzibar. The execution of this engagement has been hitherto retarded, in consequence of the attitude of the Hova Government, which prevented the exercise of the necessary powers by the French judiciary. This obstacle having now been removed, it will naturally come into force, and Her Majesty's Government will be ready to send the requisite information to Her Majesty's Consular authorities in Madagascar, on learning that the French Government on their part are ready similarly to instruct their Consul in Zanzibar.

But as regards the commercial position, Her Majesty's Government feel, in view of the considerations above stated, that there can be no justification for arbitrarily setting aside the provisions of the British Treaty of 1865. They rely on the formal and unrevoked Declaration of 1890, on the assurances of M. de Freycinet and M. Hanotaux, on the explanations of M. Berthelot, on the terms of the engagement signed by the Queen of Madagascar, and on the generally accepted principles of international law, to prove that, there having been no annexation and no transfer of sovereignty, the relation of a Protectorate in Madagascar, with its consequence of guaranteed security for British interests, still subsists, and that preferential treatment of French commerce would be inconsistent with the rights which Great Britain still continues by Treaty to enjoy.

I have to request your Excellency to make a communication in this sense to the French Minister for Foreign Affairs.

I am, &c.,

The Marquess of Dufferin.

SALISBURY.

No. 10.—*The Marquess of Dufferin to the Marquess of Salisbury.*—
(Received May 1.)

MY LORD,

Paris, April 30, 1896.

I HAVE the honour to inform your Lordship that I have this day addressed a note to the French Government in the terms of your Lordship's despatch of the 25th instant, respecting the present position of France in Madagascar as affecting British interests in that island.

I have, &c.,

The Marquess of Salisbury.

DUFFERIN AND AVA.

No. 11.—*The Marquess of Salisbury to the Marquess of Dufferin.*

MY LORD,

Foreign Office, May 22, 1896.

YESTERDAY M. de Courcel spoke to me on the subject of Madagascar. He did not proffer any statement on behalf of his Government, but rather wished to know the bearing of the note which your Excellency had addressed to the French Minister for Foreign Affairs on the subject. I pointed out to him that in our judgment the French Government had not been observant of the Treaty rights to which we had an unquestionable claim. By the Convention of 1890 the French had assumed the Protectorate of Madagascar with our assent, at the same time guaranteeing to us all the Treaty rights which arose out of our Conventions with the Government of that island.

In 1894 they went to war, allegedly to maintain the Protectorate, and consequently with it the rights which we claim. As soon as the enemy was overthrown they announced that it was not a Protectorate, but an annexation, which they intended to establish, and with that annexation to override our Treaty rights.

M. de Courcel replied in the first instance by some observations with respect to Consular jurisdiction. He said that I had never indicated to him that the abolition of the Consular jurisdiction in Zanzibar was to be dependent upon, and contemporaneous with, its abolition in Madagascar. I expressed my regret if there had been any misunderstanding on that point, but that in my discussions with M. Waddington on that subject it had been so uniformly assumed that the stipulations in the two countries for extritorial jurisdiction were analogous and complementary that I had not noticed that M. de Courcel had not received any intimation of our view in this respect. I pointed out to him, however, that no abandonment of our extritorial jurisdiction in Madagascar could be accepted unless it was accompanied by the abandonment of the French extritorial jurisdiction in Zanzibar. At the same time I fully admitted that I thought jurisdiction of that kind was in itself

an evil, and that the sooner it could give way to the institution of regular Tribunals the better.

He then spoke of the Tariff stipulations contained in our Treaty with Madagascar, and to which we still claimed our right. He laid down the doctrine that under the Protectorate the most-favoured-nation clause could never be interpreted to include among the most-favoured nations the Protecting Power, and that, therefore, though England had a full right to as favourable treatment as any other nation in the ports of Madagascar, it could not have the right to the same treatment as France. I said that the material questions actually in issue were not perhaps very large, but that the principle raised by his statement was of very great importance. I had never heard it laid down authoritatively before, and it was impossible for me to admit it, but I should prefer that the argument upon it should be conducted in such a form that we could have the advantage of the advice of our legal authorities in discussing it. It was a broad and very important question of international law.

I am, &c.,

The Marquess of Dufferin.

SALISBURY.

*No. 12.—The Marquess of Dufferin to the Marquess of Salisbury.—
(Received June 1.)*

MY LORD,

Paris, May 30, 1896.

I HAVE the honour to transmit herewith to your Lordship, extracted from to-day's "Temps," the text of a Ministerial statement made by M. Hanotaux in the Chamber of Deputies this afternoon, introducing a Bill for the annexation of Madagascar and the islands dependent upon it.

I have, &c.,

The Marquess of Salisbury.

DUFFERIN AND AVA.

(Inclosure.)—Extract from the "Temps" of May 30, 1896.

VOICI le Projet de Loi sur Madagascar déposé aujourd'hui sur le Bureau de la Chambre par M. Hanotaux, Ministre des Affaires Étrangères :—

"Exposé des Motifs.

"Messieurs,

"Depuis huit mois les troupes Françaises sont entrées à Tananarive, et le régime diplomatique et politique de la Grande Ile encore défini. Il est inutile d'insister sur les incon-

vénients d'un tel retard, tant en ce qui concerne la pacification intérieure de notre nouvelle possession, qu'en ce qui touche aux problèmes internationaux posés par la conquête.

“ Dès le début de l'entreprise, deux systèmes se sont trouvés en présence : l'un consistait à placer Madagascar sous le Protectorat de la France ; l'autre, à faire de l'île une Colonie Française. La Chambre sait que le Cabinet présidé par M. Ribot s'était prononcé pour le régime du Protectorat avec toutes ses conséquences. C'est ce régime qui était institué, soit par le Projet de Traité remis au Général Duchesne, soit par l'Acte Unilatéral télégraphié le 18 Septembre et qui devait être signé exclusivement par la Reine.

“ Le Cabinet auquel nous succédons n'a pas cru devoir adopter ce système. Le Traité signé par le Général Duchesne n'a pas été ratifié, et la Reine a dû signer un Acte nouveau, qui écartait la formule du Protectorat avec ses conséquences.

“ Dans le nouvel Acte, la Reine ‘prenait connaissance de la déclaration de prise de possession de l'Île de Madagascar par le Gouvernement Français.’ On établissait ainsi un état de fait qui ‘n'entraînait pas à proprement parler de cession ou d'adjonction de territoire.’ Il s'opérait seulement ‘un démembrement de la souveraineté’ qui laissait à la Reine une partie de ses pouvoirs, ceux qui concernent l'administration intérieure de l'île.

“ Telles étaient les déclarations portées devant la Chambre.

“ La prise de possession de l'île avait, d'ailleurs, déjà été notifiée aux Puissances par dépêche du 11 Février, 1896. Cette notification a donné lieu, avec les principaux Cabinets intéressés, à des échanges de vue qui ont motivé, de la part de certaines Puissances, des demandes d'éclaircissements sur la portée d'une ‘prise de possession de fait,’ tant au point de vue diplomatique qu'au point de vue judiciaire et législatif.

“ Celles des Puissances qui sont liées avec Madagascar par des Traités antérieurs ne nient pas que la disparition de la souveraineté indigène et la substitution pleine et entière de la France à celle du Gouvernement Hova auraient pour effet de faire disparaître *ipso facto* les anciens Traités. Mais elles ne paraissent pas disposées à tirer les mêmes conséquences d'une simple déclaration de prise de possession.

“ Cependant si, en raison des sacrifices faits par la France pour établir son autorité à Madagascar, nous voulons assurer à nos nationaux et à nos produits une situation privilégiée dans la Grande Île, il est nécessaire que cette question des Traités antérieurement existant soit tranchée dans le plus bref délai.

“ C'est dans ces conditions que le Cabinet actuel a dû reprendre l'étude de la question. Pouvait-il revenir en arrière et s'efforcer de restaurer le système du Protectorat, détruit en quelque sorte avant

même de naître par l'Acte Unilatéral signé par la Reine le 18 Janvier?

" Comme le disait M. Charmes dans la séance du 19 Mars, 1894 ' La Reine ayant signé un second Traité, pouvait-on lui en faire signer un troisième ? ' "

" Les événements ont marché; les déclarations sont faites et notifiées; des décisions inéluctables ont été arrêtées. En présence de faits acquis et consommés, le Gouvernement, considérant les grands sacrifices faits par la France pour la conquête de l'île, tenant compte de la nécessité de mettre fin à une incertitude et à un état de troubles qui, en se prolongeant, menacent tous les intérêts engagés dans ce pays, vous propose de déclarer par une Loi que l'île de Madagascar et les îlots qui en dépendent sont désormais une Colonie Française.

" Dans l'état actuel des choses cette solution nous a paru la plus claire, la plus simple, la plus logique, la seule propre à dissiper les obscurités qui enveloppent encore l'avenir de Madagascar.

" Cette disposition de principe n'indique d'ailleurs, dans notre pensée, aucune modification en ce qui concerne la méthode à appliquer dans le gouvernement et administration intérieure de l'île. Préoccupé contre les inconvénients et les périls de toute nature qui résulteraient d'une immixtion trop directe dans les affaires du pays et les excès du fonctionnarisme, le Gouvernement n'entend nullement porter atteinte au statut individuel des habitants de l'île, aux lois aux usages, aux institutions locales.

" Deux indications vous permettront d'ailleurs, Messieurs, de déterminer et de limiter, en même temps, à ce point de vue, la portée de la décision que nous sollicitons de vous.

" Selon le régime du droit commun en matière coloniale, les lois Françaises s'étendront désormais à l'île de Madagascar: mais, modifiées ou non, elles n'y entreront en application qu'au fur et à mesure qu'elles y auront fait l'objet d'une promulgation spéciale.

" Il est également conforme aux précédents appliqués par un certain nombre de Puissances Coloniales et par la France elle-même que, dans l'administration intérieure, l'autorité de pouvoirs indigènes puisse être utilisée.

" La Reine Ranavaloa conservera donc avec son titre les avantages et les honneurs qu'ils lui confèrent: mais ils lui sont maintenus, dans les conditions de l'Acte Unilatéral signé par elle, sous la souveraineté de la France. Il en sera de même des Chefs indigènes avec le concours desquels nous croirons devoir administrer les populations de l'île qui ne sont pas placées sous la domination Hova.

" Tel est, Messieurs, dans ses grandes lignes, le système que

nous vous prions d'adopter pour mettre fin promptement aux incertitudes qui ont duré trop longtemps sur la nature et le principe de notre établissement dans la Grande Ile Africaine.

“ Dès que les questions de l'ordre diplomatique auront été réglées, en vertu de l'Acte que nous sollicitons de vous, nous vous demanderons de régler promptement le régime économique de Madagascar, et nous serons prêts à vous faire connaître, au besoin dans un débat spécial, les vues du Gouvernement sur l'organisation générale de notre nouvelle Colonie de l'Océan Indien.

“ En conséquence, le Gouvernement soumet avec confiance à votre approbation le Projet de Loi dont la teneur suit :—

“ *Projet de Loi.*

“ *Article Unique.*—Est déclarée Colonie Française l'Ile de Madagascar avec les îles qui en dépendent.

No. 13.—The Marquess of Salisbury to the Marquess of Dufferin.

MY LORD,

Foreign Office, June 11, 1896.

THE subject of Madagascar was mentioned in my conversation with M. de Courcel to-day.

I told him that, in our judgment, the annexation now announced to take place had a different effect upon our rights than any which any other annexation would have had, on account of the previous pledges which we had received from the Government of France. In 1885, and again in 1890, we were assured by the French Government that the rights of foreigners as secured by Treaty would be observed as faithfully under the Protectorate of France as they had been when Madagascar was independent. It appeared to me scarcely conceivable that France should be held to have a right to use rights thus attained for the purpose of decreeing an annexation, and then claiming that, by that annexation, stipulations which had accompanied the attainment of those rights should be effaced. But I did not at that time make any formal protest, as I was waiting to be guided by the legal opinion of the Law Officers of the Crown.

I am, &c.,

The Marquess of Dufferin.

SALISBURY.

No. 14.—*The Marquess of Dufferin to the Marquess of Salisbury.*—
(Received June 22.)

MY LORD,

Paris, June 21, 1896.

WITH reference to my despatch of the 30th ultimo, I have the honour to transmit to your Lordship herewith, extracted from the "Journal Officiel," the text of the statement made yesterday in the Chamber of Deputies by the French Minister for Foreign Affairs, in which an explanation is given of the reasons which compelled the French Government to decide upon the annexation of Madagascar as a French Colony.

M. Hanotaux, after declaring that the annexation of the island was not of the present Administration's doing, and after asserting that up to the very last he himself had remained a partisan of the Protectorate scheme, explained that annexation had been forced upon the present Government by the preceding Cabinet, and that it dated in reality from the signing of M. Laroche's Unilateral Act by the Queen of Madagascar, in the place of the Convention that it was originally intended that General Duchesne should have had signed, and which expressly referred to a Protectorate.

M. Hanotaux then pointed out that the intricate situation created by the fact that Great Britain and the United States of America had separate Treaties with the Queen of Madagascar, which could not be maintained in their actual state after the French occupation, had rendered it still more necessary for the present Government to adopt an attitude which left the situation clear and decided.

After a short debate, in which M. André Lebon, the Minister for the Colonies, took part, and explained the internal administration of the new Colony, and the intention of the Home Government not to increase further the number of civil functionaries in the island, the Bill approving the annexation was passed by show of hands.

At the conclusion of the debate upon the question of the annexation of the Island of Madagascar, a discussion arose upon the presentation of a proposed Additional Article to the effect that slavery was abolished in Madagascar.

At one moment it looked as if the Government would be worsted upon the question of the impossibility of introducing the immediate abolition of slavery in the Colony on account of the danger which would be incurred from the sudden liberation of such a large mass of unoccupied individuals.

The Government finally accepted an order of the day setting forth that measures would be taken for carrying out the immediate emancipation of slaves, which was carried unanimously.

The whole measure was then adopted by a majority of 247
votes—329 to 82.

I have, &c.,

The Marquess of Salisbury.

DUFFERIN AND AVA.

(*Incolure.*)—*Extract from "Journal Officiel."*

M. Hanotaux (Ministre des Affaires Étrangères).—J'ai hâté d'entrer dans le fond du débat; cependant la Chambre me pardonnera si je réponds d'un mot aux critiques si vives qui ont été formulées à cette tribune dans la séance de Jeudi par l'honorable *M. Doumergue*.

On m'accuse de contradiction!

Oui, Messieurs, j'ai été un des partisans les plus chauds, les plus convaincus du régime du Protectorat. Il n'y a pas une personne qui ignore, ici ou au dehors, que comme Ministre du Cabinet Ribot, comme publiciste, je défendis, aussi énergiquement qu'il fut en moi, le régime inauguré à Madagascar par le Traité de Tananarive. Personne n'ignore que si le Cabinet Ribot eût duré, c'est ce Traité que nous serions venu défendre devant vous et que nous vous aurions demandé de ratifier. Personne n'ignore que nous aurions laissé à Madagascar le Général Duchesne lui-même et les fonctionnaires expérimentés qui l'accompagnaient présider à la période de pacification qui suit naturellement toute conquête; que nous nous serions abstenus, autant que possible, d'envoyer des fonctionnaires nouveaux les remplacer, et qu'un système tout différent de celui qui a été inauguré malgré nous, nous eût dispensé probablement de venir aujourd'hui solliciter vos suffrages. (Inter-
rptions à l'Extrême Gauche.)

Mais si *M. Doumergue*, qui a compulsé avec tant de soin les articles que j'ai publiés pour la défense d'une cause que je croyais juste, avait pris soin de les lire jusqu'au bout—ou plutôt si sa polémique eût été plus équitable—peut-être eut-il bien voulu reconnaître que, dès le mois de Mars dernier, c'est-à-dire, bien avant que se fût produit un événement que lui seul en France considère comme une catastrophe, un changement de Ministère. . . . (Inter-
rptions à l'Extrême Gauche.)

M. Gaston Doumergue.—*M. le Ministre des Affaires Étrangères*, voulez-vous me permettre un mot? (Exclamations au Centre.)

M. le Président.—Messieurs, je vous prie de ne pas interrompre. *M. Doumergue* et les orateurs précédents ont été écoutés; *M. le Ministre* a été critiqué, attaqué même; sa réponse doit être écoutée avec le même silence et la même attention. (Très bien! très bien!)

M. le Ministre des Affaires Étrangères.— . . . que, dès le mois de Mars dernier, j'avais reconnu, déclaré publiquement que la

politique suivie, les déclarations faites, les actes accomplis rendaient désormais impossible l'exercice du Protectorat à Madagascar.

Voici, en effet, ce que j'écrivais dès cette époque, et j'espère que ces paroles fort claires me dispenseront de toute autre commentaire :—

“Enfin, ce qui est fait est fait.

“Comme l'a dit, fort justement, M. Francis Charmes, puisque la Reine a signé un second Traité, il ne s'agit pas de lui en faire signer un troisième. Le régime du Protectorat est écarté; le système de l'annexion l'a emporté. On jugera celui-ci à ses résultats.

“Ce que nous avons voulu marquer seulement, c'est que le système que nous avons soutenu et pour la défense duquel nous avons tenu ferme jusqu'au bout, présentait des avantages sur lesquels on a eu tort de fermer les yeux. Maintenant que le sort en est jeté, nous ne pouvons plus que souhaiter ardemment la réussite de la combinaison qui a été préférée, puisque c'est de son application que va dépendre maintenant l'avenir de notre nouvelle possession de l'Océan Indien.”

Ceci, Messieurs, était écrit et publié dès le 20 Mars, 1896, six mois avant qu'il fût question de la constitution du Cabinet Méline.

Certes, si j'avais connu tout entière la situation telle que je l'ai trouvée en rentrant au Quai d'Orsay, je n'aurais pu changer un mot à ces lignes, et c'est la conviction qui, j'espère, résultera, pour la Chambre, du court exposé que je vais avoir l'honneur de faire devant elle.

M. Doumergue et M. Brunet se sont efforcés de démontrer Jeudi, que nous n'avions pas eu même le mérite d'inaugurer ce régime de l'annexion qui est mis aujourd'hui en délibération.

Assurément, Messieurs; et si nous soutenons aujourd'hui ce système, ce n'est pas par choix, c'est par nécessité. C'est qu'après avoir mûrement pesé et délibéré, nous avons pensé qu'il n'y avait pas d'autre issue à la situation politique et administrative dans laquelle nous nous trouvions engagés, et qu'enfin il nous a paru qu'il valait mieux sacrifier un vain amour-propre à la nécessité du bien public, dans les circonstances qui nous étaient imposées. (Très bien! très bien! au Centre. Interruptions à l'Extrême Gauche.)

Quelle est l'origine de cette situation nouvelle, Messieurs? Je vais vous la rappeler d'un mot: elle est dans la Déclaration lue devant vous, dans la séance du 27 Novembre, par un de mes prédécesseurs, M. Berthelot.

Voici les termes de cette Déclaration :—

“L'Ile de Madagascar est aujourd'hui une possession Française. . . . L'expédition a amené des sacrifices douloureux supérieurs à toutes prévisions et qui nous ont donné le droit d'exiger des compensations étendues et des garanties définitives . . . Quant aux

obligations que les Hovas eux-mêmes ont pu contracter en dehors, sans avoir à les garantir pour notre propre compte, nous saurons observer les règles que le droit international détermine au cas où la souveraineté d'un territoire est, par le fait des armes, remise en de nouvelles mains."

En même temps, M. Laroche, qui partait pour Madagascar, recevait des instructions identiques. "Quant aux obligations contractées au dehors par le Gouvernement Hova, les conditions dans lesquelles nous sommes aujourd'hui établis à Tananarive ne nous imposent pas d'autre devoir que celui de nous conformer aux règles du droit international applicables au cas où la souveraineté d'un territoire est, par le fait des armes, remise en de nouvelles mains."

L'annexion, Messieurs, la voilà. Elle est clairement exprimée dans ces mots décisifs: Madagascar est désormais possession Française. La souveraineté a changé de mains.

Quant au régime du Protectorat, à quel moment précis a-t-il disparu? Je vais encore éclairer M. Doumergue à ce sujet. Il a disparu à l'heure où on a rédigé le second projet d'Acte Unilatéral remis à M. Laroche.

Le premier, celui qui fut envoyé au Général Duchesne par la dépêche du 18 Septembre, et qui, d'ailleurs, n'ayant pas été signé ni ratifié, n'a jamais été qu'un projet, le premier débutait ainsi:—

"Article 1^{er}. Le Gouvernement de Sa Majesté la Reine de Madagascar reconnaît et accepte le Protectorat de la France avec toutes ses conséquences."

L'Acte Unilatéral que M. Laroche a fait signer par la Reine débute ainsi:—

"Sa Majesté la Reine de Madagascar, après avoir pris connaissance de la prise de possession de l'Ile de Madagascar par le Gouvernement Français, déclare, &c."

Voilà le moment précis où le Protectorat a disparu.

Cette situation nouvelle, Messieurs, devait avoir, au point de vue diplomatique, comme au point de vue de l'administration intérieure de l'île, les conséquences inéluctables en présence desquelles nous sommes aujourd'hui placés.

Il appartient au Ministre des Colonies d'exposer devant vous ce qui se rapporte à l'administration intérieure. Je me bornerai à ce qui touche aux rapports avec les Puissances.

La Circulaire du 11 Février, insérée au Livre Jaune, notifie aux Puissances le nouvel état de choses dans les termes suivants:—

"A la suite de difficultés survenues à Madagascar dans l'exercice de son Protectorat, le Gouvernement de la République a été obligé d'intervenir militairement pour faire respecter ses droits et s'assurer de garanties pour l'avenir."

"Il a été ainsi amené à faire occuper l'île par ses troupes et à en prendre possession définitive."

Il y a ici, Messieurs, une nuance sur laquelle je dois attirer votre attention. La Déclaration du 27 Novembre disait : "Madagascar est une possession Française." Dans l'Acte Unilatéral nouveau et dans la notification faite aux Puissances on dit : "Le Gouvernement Français a pris possession de l'île de Madagascar."

C'est cette nuance, Messieurs, qui paraît avoir retenu, quelque temps, l'attention des publicistes et des diplomates.

On discuta pour savoir quelle était la portée de cette nouvelle formule "prendre possession d'un territoire?" Les juristes s'efforcèrent même d'édifier autour de cette expression toute une théorie nouvelle de droit public.

Je n'apporterai pas ici, Messieurs, l'exposé de ces discussions stériles. On ne peut changer la nature des choses; les règles de droit ne sont, en somme, que la synthèse de l'expérience des faits. Les questions se posent d'elles-mêmes, et elles exigent de claires réponses. On ne peut séparer les droits des devoirs, ni l'autorité à la responsabilité. (Mouvement.)

Aussi, Messieurs, quand une fois le procès se fut engagé, au fond, devant les principales Puissances intéressées, il s'est développé. Il devait se développer, en vertu d'une logique inéluctable, dans le sens de la solution qui s'impose aujourd'hui.

La Circulaire du 11 Février avait motivé des réponses de diverses sortes, selon la situation diplomatique des Puissances auxquelles elle était adressée. La plupart ont simplement accusé réception d'autres ont pris acte. Deux Puissances, comme vous le savez, avaient des Traités particuliers avec la Reine de Madagascar : c'est l'Angleterre et les États-Unis.

Lord Salisbury, en accusant réception à M. de Courcel, a ajouté "qu'il devait réserver tous les droits existants du Gouvernement Britannique à Madagascar jusqu'à ce qu'il ait reçu communication des termes du Traité qui a dû être conclu entre le Gouvernement de la République et celui de Madagascar."

M. Olney a répondu, le 26 Février, à M. Patenôtre en faisant des réserves "en ce qui concerne les droits conférés aux États-Unis par les Traités."

C'était évidemment là qu'était le nœud du débat, le sort fait à ces deux Puissances devant entraîner celui des Puissances qui n'ont que les Traités contenant seulement la clause "de la nation la plus favorisée," c'est-à-dire, l'Allemagne et l'Italie.

Aux réserves et aux demandes d'éclaircissements formulés par l'Angleterre et les États-Unis, M. Bourgeois répond, le 31 Mars, dans les termes les plus nets. Il affirme que, dans la pensée du Gouvernement Français, le maintien des Traités passés avec les

Puissances est incompatible avec la nouvelle situation créée par la conquête dans l'Ile de Madagascar (très bien ! très bien ! à l'Extrême Gauche), et, ce principe posé, il réclame à la fois la juridiction sur les citoyens des deux Puissances avec lesquelles le débat s'est localisé et la liberté des Tarifs Douaniers. (Très bien ! très bien ! sur les mêmes bancs.)

Mais il est de nouveau interrogé par M. Eustis, Ambassadeur des États-Unis, que cette formule de la prise de possession ne satisfait pas et qui pose nettement au Gouvernement Français une question précise :—

“ Si nous renonçons, nous Américains, à notre Traité, est-il entendu qu'il sera remplacé, au profit des citoyens Américains résident à Madagascar, par les Conventions que les États-Unis ont passées avec la France ? ”

Et alors le Gouvernement Français fait un pas décisif ; le 16 Avril, il répond :—

“ Par sa lettre du 14 de ce mois, votre Excellence veut bien m'informer que son Gouvernement, désireux de bien préciser la situation conventionnelle des États-Unis à Madagascar, lui a donné pour instruction de me demander si le Traité qu'il a conclu, le 13 Mai, 1881, avec la Reine Ranavaloa, doit demeurer en vigueur ou bien être remplacé par ses Conventions avec la France.

“ En réponse à cette communication, je m'empresse de vous faire savoir que, dans l'opinion du Gouvernement de la République, le maintien du Traité du 13 Mai, 1881, est incompatible avec le nouvel état de choses créé par la prise de possession de Madagascar ; je me hâte d'ajouter que, par contre, le Gouvernement de la République est tout disposé à étendre à la Grande Ile Africaine l'ensemble des Conventions dont bénéficient le Gouvernement ou les citoyens des États-Unis en France et dans les possessions Françaises et qui leur ont permis d'y entretenir des relations de toutes sortes si profitables aux deux pays.”

Messieurs, ne sentez-vous pas que, le jour où cette phrase est écrite, la fiction de la prise de possession a disparu ; qu'on en est revenu au point de départ, à savoir, que Madagascar est possession Française et que, pour parler comme M. Berthelot, “ la souveraineté a changé de mains,” puisque ce sont des Traités passés par la France avec d'autres Puissances, c'est-à-dire, de lois Françaises en matière de souveraineté, qui vont désormais s'appliquer à Madagascar.

Ce grand pas accompli, le dialogue engagé avec les États-Unis d'Amérique se précisa singulièrement :

Le 2 Mai, en réponse à M. Patenôtre, qui avait été chargé de lui faire cette communication, M. Olney nous demande simplement de dissiper un dernier doute qui lui reste sur la formule employée par M. Bourgeois, à savoir, que le Gouvernement Français était disposé

à étendre à la Grande Ile Africaine l'ensemble des Conventions dont bénéficient en France et dans les possessions Françaises le Gouvernement et les citoyens Américains.

"L'information qui nous a été transmise," dit M. Olney, "apparaît plutôt comme l'application courtoise d'une mesure discrétionnaire que comme un résultat nécessaire de la conquête de ce territoire et de son absorption dans le domaine de la France. Dans l'entretien que vous avez eu avec moi, j'ai cru comprendre que vous affirmiez nettement que la conquête de Madagascar par les armes Françaises était complète, et qu'elle comportait comme conséquence l'extinction de la souveraineté Malgache et la substitution de celle de la France. Une déclaration catégorique, de la part de votre Gouvernement, qu'il en est ainsi, et que les Traités entre les États-Unis et la France sont applicables à l'Ile de Madagascar en tant que territoire Français, me mettrait à même de donner au Conseil des États-Unis à Tamatave des instructions définitives et positives, &c."

Cette réponse, Messieurs, parvint au Quai d'Orsay alors que le Cabinet Méline était déjà constitué.

Eh bien ! je vous demande s'il lui était possible, à moins de vouloir bouleverser de fond en comble l'œuvre de ses prédécesseurs, à moins de renoncer à cette politique de continuité dans les vues et dans les desseins dont il s'était réclamé dans son programme, à moins de renoncer à l'obtention de résultats déjà acquis et de faire en arrière le plus inexplicable retour, s'il lui était possible de revenir à la formule du Protectorat, de prétendre ranimer un système qui, encore une fois, avait eu ses préférences, mais qui, détruit dans le fond, détruit dans la forme, supprimé, à l'égard des Puissances, par les notifications successives qui avaient été faites, compromis, au point de vue de son application, par les faits accomplis, ne pouvait plus qu'embarrasser de son poids inutile l'ère nouvelle que des décisions réitérées, publiques, connues de tous, avaient ouverte pour l'Ile de Madagascar. (Applaudissements.)

Le Cabinet actuellement aux affaires n'a pas pensé qu'il pût agir ainsi. Achevant, si je puis dire, la courbe qui avait été commencée par le précédent Cabinet, il a cru qu'au point où en étaient les choses des hésitations et des tergiversations ne pouvaient que compromettre l'avenir, sans parvenir à restaurer le passé.

D'autres considérations l'amenaient à prendre ce parti.

En même temps, en effet, que s'engageait avec les États-Unis la correspondance dont je viens de vous rendre compte, une autre correspondance parallèle se poursuivait avec l'Angleterre. Ici encore, nous rencontrions les mêmes réserves, les mêmes demandes d'éclaircissements. A l'opinion notifiée par le Cabinet de Paris que passés entre l'Angleterre et la Reine de Madagascar

devaient disparaître en présence du fait de la conquête, on répondait par une discussion juridique très nourrie, dont vous me permettrez, Messieurs, de vous lire seulement la conclusion :—

“ Le Gouvernement de Sa Majesté se fonde sur la Déclaration de 1890, formelle et sans réserves, sur les assurances de MM. de Freycinet et Hanotaux, sur les explications de M. Berthelot, sur les termes de l’engagement signé par la Reine de Madagascar et sur les principes généralement admis du droit international, pour prouver que comme il n’y a pas eu annexion ni transfert de souveraineté, les rapports de droit d’un Protectorat à Madagascar avec leurs conséquences de la sécurité garantie aux intérêts Britanniques subsistent toujours, et qu’un traitement de faveur pour le commerce Français serait incompatible avec les droits dont la Grande-Bretagne continue de jouir en vertu de son Traité.”

Cette conclusion aboutissait donc, sous une forme différente, aux mêmes résultats que la réponse des États-Unis. Le Gouvernement Britannique, s’appuyant sur le fait qu’il n’y avait pas d’annexion, refusait notamment, en ce qui concerne les questions des Tarifs Douaniers, de se ranger aux vues du Gouvernement Français.

En somme, ce qu’on nous demandait encore c’était cette déclaration catégorique dont il était question dans la note de M. Olney. Au point où en étaient les choses, nous avons pas cru qu’il y eût intérêt à la refuser plus longtemps.

Mais, Messieurs, pour la faire, la Constitution nous imposait le devoir de venir devant vous.

Cette déclaration catégorique qu’on sollicitait de nous, cet acte décisif autorisant l’application à Madagascar des Traités passés avec les autres Puissances, elle ne peut émaner que du Pouvoir Souverain. (Très bien ! très bien !) Nous l’avons reconnu, et tout autre Cabinet certainement, au moment de prendre une pareille responsabilité, eût agi de même.

C’est ainsi, Messieurs, que nous avons été amenés à déposer le Projet de Loi au sujet duquel nous sollicitons vos suffrages.

En le votant, vous n’aurez certainement pas réglé toutes les difficultés qui naissent naturellement d’un acte aussi considérable que la conquête d’un nouveau domaine colonial, important et étendu. Mais votre assentiment aura donné à ceux qui sont chargés de les résoudre une autorité et une force nouvelles. Dans un pays libre, Messieurs, la force du Gouvernement au dehors repose sur le concours éclairé du Parlement et du pays. (Applaudissements.)

Ainsi que j’ai eu l’honneur de la dire à la Commission, le simple dépôt du Projet de Loi a suffi pour nos assurer de l’adhésion à nos vues d’une des principales Puissances intéressées. Il y a là un premier résultat considérable qui, par la force des choses, ne doit pas rester isolé.

Au moment où la France va aborder avec résolution le grave et difficile problème de la mise en valeur de cette nouvelle partie de son domaine colonial, au moment où elle doit achever la pacification du pays, ouvrir les routes et les voies de communication, faire entrer, en un mot, dans le courant de la civilisation un territoire considérable qui, jusqu'ici, en était exclu, il est naturel qu'elle réclame pour elle, pour son commerce, pour son Budget, la juste contre-partie des sacrifices qu'elle a faits et de ceux qu'elle doit faire. (Très bien ! très bien !)

Nous ne doutons pas qu'ainsi envisagées les questions diplomatiques, relativement secondaires, qui peuvent subsister encore ne se résolvent rapidement.

En tout cas il nous a paru nécessaire de vous demander les moyens de ne pas les laisser se perpétuer et entraver de leur lenteur la marche générale de notre politique internationale. (Très bien ! très bien !)

C'est pourquoi, Messieurs, me plaçant uniquement au point de vue diplomatique, mais, après m'être entendu avec mon collègue des Colonies, dont les sentiments ont été, d'ailleurs, dès le début et de tous points conformes aux miens, je vous demande de voter sans retard le projet qui couronne les deux siècles et demi d'efforts, par lesquels la France a préparé le jour où l'Ile de Madagascar nous appartiendrait sans retour et deviendrait définitivement une Colonie Française. (Applaudissements au Centre et sur divers bancs à Gauche et à Droite.)

No. 15.—The Marquess of Salisbury to Sir Clare Ford.

SIR,

Foreign Office, July 15, 1896

THE Italian Ambassador spoke to me to-day with reference to the Treaties between Great Britain and Madagascar, and asked me in what position they stood. I informed him of the peculiar character of the difficulty that had arisen. In 1890 we had recognized the French Protectorate of Madagascar, and in recording that recognition in a Convention, France had formally bound herself to respect the Treaty rights of Great Britain in that island. In 1895 France had made an expedition against Madagascar, alleging at the time that no project of annexation was in view, and that nothing else was intended except to confirm the Protectorate which had been already recognized. The French Minister even went so far as to intimate, in making that statement, his intention of respecting the Treaties which existed between Madagascar and other countries. But when the expedition had taken place, and the enemy had been defeated, and France remained mistress of the island, then she

changed her attitude, and announced that Madagascar would be a Colony of France.

I said that our interests in Madagascar were not in themselves very large, and that, therefore, our solicitude was mainly excited by the fear of establishing a pernicious principle, rather than by any immediate prospect of material loss. The Italian Ambassador entirely accepted this view, and noted that if such a form of procedure was successful in destroying the Treaties existing between Madagascar and Great Britain, there seemed no reason why a similar mode of procedure should not equally dispose of the Treaties existing between Tunis and other Powers. He asked, however, whether we had given any undertaking to accept modifications of our conventional rights in Tunis. I replied that we had given no such undertaking. The Tunisian Treaty contained a clause binding us to discuss, if it was required on the other side, any proposed modification in the Articles of the Treaty. But as we were not bound to accept any propositions that were made, the obligation under which we lay was not onerous or dangerous. I had indicated to the French Ambassador the probability that we should not come to terms upon the modification of the Tunis Treaty; but, of course, I could not refuse to reconsider it under the Article I have mentioned if he desired me to do so.

I am, &c.,

Sir Clare Ford.

SALISBURY.

No. 16.—*Mr. Howard to the Marquess of Salisbury.*—(Received July 29.)

MY LORD,

Paris, July 28, 1896.

I HAVE the honour to transmit herewith to your Lordship an extract from the "Journal Officiel" of yesterday, containing the text of the new Mining Laws to be enforced in Madagascar. From Article 2 of the 1st section your Lordship will observe the prospecting licences are to be issued to foreigners as well as to French citizens.

I have, &c.,

The Marquess of Salisbury.

HENRY HOWARD.

(Inclosure.)—*Extract from the "Journal Officiel" of July 27, 1896.*

MINISTÈRE DES COLONIES.

Rapport au Président de la République Française.

M. LE PRÉSIDENT,

Le régime des mines d'or, des métaux précieux, et des pierres précieuses à Madagascar vient de faire l'objet d'un Règlement local

dont les termes ont été arrêtés par mon Département d'après les propositions du Résident-Général.

Certaines dispositions de ce Règlement ont pour effet de soumettre les contrevenants à la juridiction des Tribunaux Français organisés par Décret du 9 Juin, 1896 ; d'autre part, elles étendent les attributions du personnel des Résidents chargés des fonctions de Commissaire des Mines, personnel dont l'organisation a été également fixée par un Décret en date du 28 Décembre, 1895. Il m'a paru indispensable, dans ces conditions, de sanctionner la réglementation locale des mines à Madagascar par un nouveau Décret du Président de la République Française, afin de lui donner toute force exécutoire.

Si vous voulez bien partager ma manière de voir, je vous suis très reconnaissant de revêtir de votre haute approbation le projet de Décret que j'ai l'honneur de soumettre à votre signature.

Cette approbation ne pourra d'ailleurs qu'encourager les efforts des explorateurs qui ont l'intention de se livrer à la recherche et à l'exploitation des mines à Madagascar.

Je vous prie, &c.,

ANDRÉ LEBON, *Ministre des Colonies*

Decree of July 17, 1896, and Règlement annexed.

[See Vol. LXXXVIII, page 1224.]

No. 17.—The Marquess of Salisbury to Mr. Howard.

SIR,

Foreign Office, August 4, 1896.

IN my despatch of the 25th April last I stated that I found it impossible to understand, without further explanation, the attitude of the French Government in regard to Madagascar as affecting British interests. On the 21st June Lord Dufferin sent home the text of a statement made in the Chamber of Deputies on the previous day by the French Minister for Foreign Affairs, in explanation of the reasons which compelled the French Government to decide upon the annexation of Madagascar as a French Colony. His Excellency intimates, not obscurely, that one result of this measure will be to deprive Great Britain of the rights which she has hitherto enjoyed under the Treaty concluded in 1865 between Her Majesty's Government and the Queen of Madagascar. In that Treaty most-favoured-nation treatment in regard to commerce is conferred upon British subjects, and the import or export duties leviable upon trade between the two countries is limited to a

maximum of 10 per cent. The language used by M. Hanotaux appears to indicate that, in his judgment, France, by declaring Madagascar a French Colony, has acquired the right to disregard these Treaties, to give to French commerce a preferential position in respect to the commerce of other nations, and to impose upon goods imported from Great Britain a duty in excess of the stipulated 10 per cent. This claim practically assumes the right of excluding the trade of Great Britain from the markets of Madagascar.

Under the peculiar conditions under which the relations of France and England in reference to Madagascar have been regulated, and under the circumstances under which that island has been annexed to the French Republic, Her Majesty's Government are unable to admit the reasoning by which the French Foreign Minister appears to have been guided. The policy which he foreshadows will, in the judgment of Her Majesty's Government, constitute a material departure from the engagements which have been made by France in respect to Madagascar, and therefore an evident violation of the rights which Great Britain has acquired.

In 1890 the Government of Her Britannic Majesty recognized the Protectorate of France over the Island of Madagascar, with its consequences, and to this stipulation the following important proviso was annexed: "It is understood that the establishment of this Protectorate will not affect any rights or immunities enjoyed by British subjects in that island." The right to the most-favoured treatment, therefore, and to a limitation of the Tariff to a maximum of 10 per cent., were not to be affected by the establishment of the French Protectorate over Madagascar.

In the winter of 1894 it was announced that the French Government contemplated a military expedition to Madagascar. Madagascar being a country with which Her Majesty's Government had relations, and in which, as already mentioned, they enjoyed rights guaranteed by Treaty, it would have been natural that their solicitude should have been awakened by the announcement of this expedition, and that they should have asked from the French Government explanations as to the effect upon their rights which the proposed invasion of the island would involve. M. Hanotaux, who was then Foreign Minister, tranquillized all such apprehensions by an explicit statement of the objects of the expedition, in which he spoke of "sending into the island the force necessary to assure the exercise of a Protectorate, which, in conferring rights upon France, imposes obligations also." Great Britain, as I have explained above, had been assured by the Declaration of 1890 that a Protectorate would not affect any rights or immunities enjoyed by British subjects in Madagascar. M. Hanotaux stated that this Declaration

established a parallelism which existed in form as well as in substance between Zanzibar and Madagascar; and added that the Protectorate of France over Madagascar being recognized with all its consequences, the diplomatic position of France towards the Powers as thus created was entirely definite, free from all obscurity, and protected from all hindrances.

The British Government, therefore, saw without disquietude the preparations made by the French Government to enforce and affirm their Protectorate in the island, and did not suspect that any danger to their commercial rights would arise out of military operations of which the maintenance of the Protectorate had been announced by the highest authority to be the object.

I will not discuss the precise effect upon existing Treaties which is exercised by an incorporation of Madagascar into the Republic of France, under conditions so exceptional as those which have prevailed in the present instance. But even admitting that a French annexation will have generally the effect of sweeping away the Treaties into which the Queen of Madagascar had previously entered, it can have no effect upon the claims and just expectations created by the sanction which those Treaties, and the rights arising under them, have received from France herself. By first assuring Her Majesty's Government that the Protectorate would not affect the immunities and rights of British subjects, and then making a public announcement that the expedition had no aim beyond that of sustaining the Protectorate, the French Government have precluded themselves from taking advantage of the military results of the expedition in order to destroy the British rights which they had recognized. Her Majesty's Government have no wish to embarrass France in her task of developing the resources of Madagascar, and they have already expressed their readiness to abandon their judicial rights in the island simultaneously with the surrender of the extraterritorial privileges claimed for French citizens in Zanzibar. But they cannot but feel that to reserve the annulment of their Treaty rights till the expedition, undertaken with the assurances above cited, had made France mistress of the country, and then to declare those rights to have lapsed in consequence of a declaration of annexation, would be a proceeding for which no countenance can be found in the practice of international law.

You will read this despatch to M. Hanotaux, and give him a copy of it.

I am, &c.,

H. Howard, Esq.

SALISBURY.

No. 18.—The Marquess of Salisbury to Mr. Howard.

SIR,

Foreign Office, August 4, 1896.

I OBSERVE that, in the copy of the Regulation regarding the working of gold mines, precious metals, and precious stones in Madagascar, which appears in the "Journal Officiel" inclosed in your despatch of the 28th ultimo, there is a provision placing persons guilty of any infraction of them under the jurisdiction of the French Tribunals established by the Decree of the 9th June last.

I have to request you to take an opportunity of reminding M. Hanotaux that Her Majesty's Government have not yet consented to waive the Consular jurisdiction in the island secured to them by Treaty.

I am, &c.,

H. Howard, Esq.

SALISBURY.

No. 19.—Mr. Howard to the Marquess of Salisbury.—(Received August 8.)

MY LORD,

Paris, August 6, 1896.

I HAVE the honour to transmit herewith to your Lordship copy of a note which, in accordance with the instructions contained in your Lordship's despatch of the 4th instant, I have addressed to M. Hanotaux, pointing out, in connection with the Decree recently promulgated respecting the working of mines in Madagascar, that Her Majesty's Government have not yet consented to waive the Consular jurisdiction in the island secured to them by Treaty.

I have, &c.,

The Marquess of Salisbury.

HENRY HOWARD.

(Inclosure.)—Mr. Howard to M. Hanotaux.

M. LE MINISTRE,

Paris, August 6, 1896.

THE attention of Her Majesty's Government has been drawn to the Regulations published in the "Journal Officiel" of the 27th July respecting the working of mines containing gold, precious metals, and precious stones in Madagascar, and to the provision placing persons guilty of any infraction of them under the jurisdiction of the French Tribunals established by the Decree of the 9th June last.

I have, therefore, been instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to remind your Excellency that Her Majesty's Government have not yet consented to waive the Consular jurisdiction in the island secured to them by Treaty.

I have, &c.,

M. Hanotaux.

HENRY HOWARD.

No. 20.—Mr. Howard to the Marquess of Salisbury.—(Received August 15.)

MY LORD,

Paris, August 14, 1896

I HAVE the honour to report that M. Hanotaux returned to Paris yesterday, and that this afternoon I read to his Excellency your Lordship's despatch of the 4th instant on the subject of British Treaty rights in Madagascar, and gave him a copy of the same.

M. Hanotaux stated that, in the first instance, he would submit this document to the Legal Advisers of the Government for their opinion, and then furnish your Lordship with a reply to the same either through Baron de Courcel or Her Majesty's Embassy here.

His Excellency added that it had been his desire to make the notification to foreign Powers of the Decree, declaring Madagascar a Colony, simultaneous with the issue of the same. It had, however, through some misunderstanding on his part, been issued at an earlier date than he had anticipated, but the notification in question would now be made as soon as possible.

I have &c.,

The Marquess of Salisbury.

HENRY HOWARD

No. 21.—Baron de Courcel to the Marquess of Salisbury.—(Received August 18.)

M. LE MARQUIS,

Londres, le 17 Août, 1896

AUX termes d'une Loi du 6 Août, 1896, publiée au "Journal Officiel" de la République Française le 8 du même mois, l'île de Madagascar, avec les îles qui en dépendent, a été déclarée Colonie Française.

D'ordre de mon Gouvernement, j'ai l'honneur d'en donner notification au Gouvernement Britannique.

Agréez, &c.,

Le Marquis de Salisbury.

ALPH. DE COURCEL

No. 22.—Baron de Courcel to the Marquess of Salisbury.—(Received August 18.)

M. LE MARQUIS,

Londres, le 18 Août, 1896

ME référant à ma lettre du 17 de ce mois, portant notification qu'aux termes d'une Loi du 6 Août, 1896, l'île de Madagascar avec les îles qui en dépendent a été déclarée Colonie Française, j'ai l'honneur, d'ordre de mon Gouvernement, d'adresser ci-inclus à votre Seigneurie le texte d'un Décret du 9 Juin, 1896, organisant définitivement le service de la justice à Madagascar et dépendances.

Les Tribunaux Français institués par ce Décret connaissent de toutes les affaires civiles et commerciales entre Européens et assimilés, entre Européens ou assimilés et indigènes. Ils connaissent également de tous les crimes, délits, et contraventions commis dans l'étendue du ressort de leur juridiction à quelque nation qu'appartiennent les accusés ou inculpés.

Ces Tribunaux sont aujourd'hui installés, et sont en mesure de fonctionner. En conséquence les instructions nécessaires ont été envoyées pour que désormais ils exercent leur juridiction sur l'ensemble des habitants de l'Île de Madagascar et de ses dépendances, conformément aux dispositions du Décret Organique précité.

J'ai été chargé d'en informer votre Seigneurie et de la prier de vouloir bien en aviser les Consuls Britanniques à Madagascar.

Agréé, &c.,

Le Marquis de Salisbury.

ALPH. DE COURCEL.

(Inclosure.)—*Décret réorganisant le Service de la Justice à Madagascar.—Le 9 Juin, 1896.*

[See Vol. LXXXVIII, page 1233.]

No. 23.—The Marquess of Salisbury to Baron de Courcel.

YOUR EXCELLENCY,

Foreign Office, August 24, 1896.

I HAVE the honour to acknowledge receipt of the note of the 17th instant, in which your Excellency informs me, by instructions from the French Government, that, by the terms of a Law of the 6th August, 1896, published in the "Journal Officiel" of the Republic on the 8th of the same month, the Island of Madagascar, with the islands dependent upon it, has been declared a French Colony.

I have, &c.,

Baron de Courcel.

SALISBURY.

No. 24.—The Marquess of Salisbury to Baron de Courcel.

YOUR EXCELLENCY,

Foreign Office, August 24, 1896.

WITH reference to my other note of this day's date acknowledging receipt of your Excellency's communication of the 17th instant, which states that the Island of Madagascar, with the islands dependent on it, has been declared a French Colony, I have the honour to acknowledge receipt of the further note of the 18th instant, in which your Excellency forwards to me the text of a

Decree of the 9th June, 1896, in regard to the judicial system of Madagascar and its dependencies.

Your Excellency states that the French Tribunals instituted by this Decree will take cognizance of all civil and commercial cases between Europeans and those in a similar position ("assimilés") and between Europeans or those in a similar position ("assimilés") and natives; and of all crimes, breaches of the law, and offences committed within their jurisdiction, to whatever nation the accused may belong.

It is further stated that these Tribunals are now established, and in a position to exercise their functions; that consequently the necessary instructions have been sent for them to exercise their jurisdiction henceforth over all the inhabitants of the Island of Madagascar and its dependencies, in conformity with the provisions of the Organic Decree before mentioned.

Your Excellency adds that you have been instructed to inform me of these facts, and to request me to give notice of them to the British Consuls in Madagascar.

I have to state, in reply, that I shall be happy to comply with the request of the French Government, and to give the requisite instructions to Her Majesty's Consular officers in Madagascar, learning from your Excellency that instructions will thereupon be given to the French Consular officers in Zanzibar to cease from claiming extraterritorial jurisdiction in the dominions of the Sultan of Zanzibar.

I have, &c.,

Baron de Courcel.

SALISBURY

No. 25.—The Marquess of Salisbury to the Marquess of Dufferin.

MY LORD,

Foreign Office, September 14, 1896.

BARON DE COURCEL called at this Office on the 9th instant, and in the course of a conversation which he had with Mr. Barrington, referred to my note of the 24th ultimo, in which his Excellency was informed that Her Majesty's Government agreed to accept the jurisdiction of the French Tribunals which had been established in Madagascar, provided that the French Government would abandon their Consular jurisdiction in Zanzibar. His Excellency said that his Government had no desire to make difficulties for Her Majesty's Government in Zanzibar, that they were quite aware of the objections to Consular jurisdiction, and would gladly enter into communication with Her Majesty's Government with a view to meeting their wishes in the matter; but that this would necessarily take some time to arrange, as the French Government would require to be informed of the details connected with the Courts which were

to be established in Zanzibar, whereas those in Madagascar were already in working order. Baron de Courcel said that there was no connection between the two questions, which should be kept quite distinct. He was therefore instructed to express the earnest hope of his Government that Her Majesty's Government would not insist on the conditional nature of the acceptance by Great Britain of the new arrangements in Madagascar.

His Excellency called again to-day, in order to receive my reply to this communication, and in my absence was received by Mr. Bertie, who informed him that, in view of the Declarations exchanged between Her Majesty's Government and that of France on the 5th August, 1890, I was unable to dissociate the question of British extritorial rights in Madagascar from the question of French extritorial rights in Zanzibar; but that I was prepared to assent to the renunciation of British rights in Madagascar on receiving from the French Government a note undertaking to renounce their extritorial rights in Zanzibar, as soon as they should be satisfied that adequate provision had been made for the administration of justice by the Tribunals, in cases where French subjects were concerned.

Baron de Courcel said that he feared this proposal would not be regarded as satisfactory by the French Government, but that he would endeavour to find a way out of the difficulty. He said that the principle acted upon by me in the case of Tunis, and by the French Government in the cases of Bosnia, Herzegovina, and Cyprus, was that when a European system for the administration of justice had been established, the reason for the extritorial jurisdiction ceased. Proper Courts of Justice had been established in Madagascar, and, therefore, if the island were only a French Protectorate his Government might reasonably expect that Great Britain would waive her extritorial rights. His Excellency maintained that in this matter there was no analogy between Madagascar and Zanzibar, for Great Britain had not as yet established Courts in Zanzibar. When she had done so France would make no difficulty about admitting their jurisdiction over French citizens; but it could hardly be expected that she should give now an assurance as to a future contingency of which there was at present no prospect.

Mr. Bertie pointed out to M. de Courcel that I had made a concession to the French Government in this matter. In the note which had been addressed to them by Mr. Howard on the 14th ultimo, it had been stated that Her Majesty's Government would be ready to abandon their judicial rights in Madagascar simultaneously with the surrender of the extritorial privileges of France in Zanzibar. I had now offered to renounce at once the extritorial rights of Great Britain in Madagascar on receiving

from the French Government a written assurance of a similar renunciation, in the future, of French rights in Zanzibar. Mr. Bertie said that his Excellency had admitted that France would not object to surrender these rights whenever she should be satisfied as to the establishment of competent Tribunals at Zanzibar. What difficulty could there be on the part of the French Government to give an undertaking on the subject?

Baron de Courcel replied that he felt that the French Government would not be disposed to treat the matter as a bargain between the two Governments. He said that if we were to follow the precedent of 1890 and to treat questions affecting Madagascar and Zanzibar as dependent on each other, the result might be to introduce a third party to the negotiations.

Baron de Courcel said, in conclusion, that he had been instructed to point out that French Tribunals had been established in the French Colony of Madagascar, and to urge that the necessary steps should be taken by Her Majesty's Government in view of this fact. He added, however, that he would communicate to his Government the offer which I had made, and repeated that he would endeavour to find some way out of the difficulty which had arisen.

I am, &c.,

The Marquess of Dufferin.

SALISBURY.

No. 26.—The Marquess of Salisbury to Sir E. Monson.

SIR,

Foreign Office, March 9, 1897.

I TRANSMIT to your Excellency herewith a Memorandum embodying the information contained in recent despatches from Her Majesty's Acting Consul at Tamatave relating to the position in which British subjects in Madagascar are now placed by the enforcement of French civil and military law in the island.

I request your Excellency to call the attention of the French Government to the proceedings of their authorities in regard to British subjects as therein described.

Your Excellency should take the opportunity of reminding M. Hanotaux that no reply has been received by Her Majesty's Government to the note which was handed to his Excellency by Mr. Howard on the 14th August last, in regard to the general question of British interests in Madagascar.

I am, &c.,

Sir E. Monson.

SALISBURY.

(Inclosure.)—Memorandum.

On the 9th January, 1897, Mr. Sauzier, Acting British Consul at Tamatave, received a formal notice to appear before the Tribunal of First Instance at that place, in a case between French and British subjects.

He thereupon addressed a note, dated the 12th January, to the Secretary-General of the Residency-General, declining to appear until the questions of jurisdiction at issue between the British and French Governments are settled, and protesting against the service of such summonses on British subjects.

At the same time, he offered to give any verbal information he could on the matter in question.

On the 28th, a letter was written to him by direction of the Resident-General, stating that his Excellency could not admit his protest.

A similar protest was addressed on the 15th January by the Vice-Consul at Antananarivo, against a summons served on a British subject named Talbot, and refused by the Resident-General on the ground of instructions he had received from the Minister of the Colonies.

It appears that the Province of Imerina has been placed under martial law, and the following instances in which British subjects have suffered thereby have been reported to Her Majesty's Government:—

1. Trading licences are being cancelled. Most of the agents of wholesale Tamatave firms are compelled to pay under the "hors classe," although according to the Law of the 3rd November, 1896,* this only applies to bankers, insurance and financial concerns. The Mayor of Antananarivo, in reply to a protest from the agent of Messrs. Procter Brothers, informed him that there was an omission in the Law, as the charge of 1,000 fr. should also apply to importers and exporters, and that the firm must pay the full charge and protest afterwards.

2. Early in January 1897, a chief captain of a firm of merchants in Antananarivo, whilst looking for men to go to Vatomandry, was arrested and imprisoned on the charge of trying to obtain carriers. He showed the authority from his principals, but was told that he had no business to try to induce men to carry for foreigners.

3. Mr. Edmonds, of the London Missionary Society, returned not long ago to his mission-house at Iriafahy, with his family, intending to continue his work which had been interrupted owing to the rebellion. He was compelled to return to the capital, as the

* See page 1021.

Military Commander is stated to have forbidden the people at Iriafahy to sell him anything or to visit him, even after the death of one of his children, which occurred a few days after his arrival.

4. Mr. Kingzest and Miss Pearse were at Ankerima Diniga on the 11th January, when the Governor, knowing that Miss Pearse had some knowledge of medicine, came to the house in which she was lodging and brought one of his children, who was sick, to ask her advice. The officer in charge of the post heard of this, and at once held a meeting stating that if any Malagasy visited the English when staying there, they would be fined. Mr. Kingzest went to the officer to explain the nature of the visit, but he would not listen, and told him that were it not for the fact that he had a lady with him, he would be ordered out of the town at once.

No. 27.—*Sir E. Monson to the Marquess of Salisbury.*—(*Received March 18.*)

MY LORD,

Paris, March 17, 1897.

At the diplomatic reception to-day I placed in M. Hanotaux' hands a note, copy inclosed, calling his attention to the situation in which British subjects are placed by the operation of civil and military law in Madagascar, and inclosing copy of the Memorandum for the French Government, transmitted to me in your Lordship's despatch of the 9th instant.

In handing this note to M. Hanotaux I reminded his Excellency that he had never taken any notice of Mr. Howard's communication to him in August 1896 of a copy of your Lordship's despatch of the 4th August, 1896, and I gave him another copy of the same for facility of reference.

His Excellency said that he would have immediate attention paid to the subject.

I have, &c.,

The Marquess of Salisbury.

EDMUND MONSON.

(*Inclosure.*)—*Sir E. Monson to M. Hanotaux.*

M. LE MINISTRE,

Paris, March 15, 1897.

IN accordance with instructions which I have received from the Marquess of Salisbury I have the honour to inclose a Memorandum embodying the information received at the Foreign Office as to the position in which British subjects in Madagascar are now placed by the enforcement of French civil and military law, and to call your Excellency's earnest attention to the proceedings of the local authorities in regard to British subjects in that island.

In making this communication, Lord Salisbury has instructed me to remind your Excellency that no reply has yet been received

by Her Majesty's Government either through Her Majesty's Embassy or through the French Embassy in London to the despatch from his Lordship to Mr. Howard, then Her Majesty's Minister in this country, of the 4th August, 1896, a copy of which was handed to your Excellency by Mr. Howard on the 14th of that month, in regard to the general question of British interests and Treaty rights in Madagascar.

I have, &c.,

M. Hanotaux.

EDMUND MONSON.

No. 28.—Sir E. Monson to the Marquess of Salisbury.—(Received March 25.)

MY LORD,

Paris, March 24, 1897.

THE Government Bill for the conversion of the Madagascar Loan of 1886 came up yesterday for discussion in the Chamber of Deputies.

M. Doumergue, the Radical Deputy for Gard, in the course of a long attack on the Government policy in Madagascar, referred incidentally to the question of the indemnities asked for by those who had suffered during the recent military operations in the island.

He said that the colonists who formerly had complained of the action of the native Government with regard to the Concessions, had now turned round and demanded compensation for losses incurred by the military operations, the sum of 41,000,000 fr. or 45,000,000 fr. had been mentioned in this connection, one colonist alone claiming 33,000,000 fr.

M. Doumergue objected to leaving any surplus in the hands of the Government (as will be the case if the Government Bill is passed), for fear they should employ it towards satisfying these claims.

M. Lebon, the Minister of the Colonies, in his reply with regard to this point, said that he agreed with M. Doumergue that there is no right to indemnity against acts of the higher Power, but in 1895 there were undoubtedly in Madagascar difficult and grievous incidents; the establishments of traders and merchants in the island were occupied by French troops; their goods were requisitioned; when the French troops retired, these houses were burnt by the Favaalos and by the Malagasy troops, and some of the colonists were massacred.

When the victims of these crimes come—not indeed to present a legal claim on the State, for this does not exist, but to appeal to the generosity and charity of France—it will be difficult to shut the door; the more so as the Loan of 1886 was issued expressly for

the purpose of indemnifying Frenchmen for the losses they suffered during the military operations of the preceding year.

If the Chamber refuses this "act of charity"—which will be far from reaching the figures mentioned by M. Doumergue—his Excellency pointed out that such a decision would result in the paradox that in 1886 the colonists were indemnified because Queen Ranavaloa was still on her throne, whereas to-day, because they live under French rule, they would receive no compensation for the very real sacrifices they have endured.

As illustrating his meaning, his Excellency said that he could not entertain claims for indemnity for that which the claimants would have realized had it not been for the facts complained of; but in cases of houses destroyed, of goods requisitioned and not paid for, or of families, members of which have been murdered, he thought there would be ground for compensation.

No reference was made in the Minister's statement to the claims of foreigners to compensation for damages incurred during the late war; but if the principle of indemnifying for losses is once admitted, it will, it may be hoped, be applied with even-handed justice to foreigners and Frenchmen alike.

The Madagascar Loan Bill was eventually adopted by the Chamber.

I have, &c.,

The Marquess of Salisbury.

EDMUND MONSON.

No. 29.—The Marquess of Salisbury to Sir E. Monson.

SIR,

Foreign Office, March 26, 1897.

THE French Ambassador called on the 23rd instant at the Foreign Office, and spoke on the subject of French jurisdiction in Madagascar. His Excellency stated that he had received a despatch from his Government, expressing surprise and regret that Her Majesty's Consular officers in that island had not yet received instructions to recognize the jurisdiction over British subjects of the French Tribunals which have been established in the island.

His Excellency was reminded that an offer had been made by me, as recorded in my despatch to the Marquess of Dufferin of the 14th September, 1896, to renounce at once the extraterritorial rights of Great Britain in Madagascar on receiving from the French Government a written assurance of a similar renunciation in the future of French rights in Zanzibar.

Baron de Courcel observed that, although no written reply had been given to this proposal, and though he had no special instructions on the subject, yet he thought that Her Majesty's Government might feel assured that, whenever adequate provision had been made

in Zanzibar for the administration of justice in cases in which French subjects were concerned, by properly constituted British Tribunals, the French Government would make no difficulty about admitting their jurisdiction over French citizens.

I have to request you to inform M. Hanotaux that, if the assurance thus given receives his Excellency's confirmation, I shall no longer hesitate to instruct Her Majesty's Consular officers in Madagascar, by telegraph, in the sense desired by the French Government.

I am, &c.,

Sir E. Monson.

SALISBURY.

No. 30.—*Sir E. Monson to the Marquess of Salisbury.*—(Received March 31.)

MY LORD,

Paris, March 30, 1897.

I HAVE the honour to transmit herewith to your Lordship copy of a note I have addressed to M. Hanotaux in accordance with the instructions contained in your Lordship's despatch of the 26th instant, on the subject of Consular jurisdiction in Madagascar.

I have, &c.,

(In the absence of the Ambassador),

The Marquess of Salisbury.

MARTIN GOSSELIN.

(Inclosure.)—*Sir E. Monson to M. Hanotaux.*

M. LE MINISTRE,

Paris, March 29, 1897.

THE French Ambassador called on the 23rd instant at the Foreign Office, and spoke on the subject of the French jurisdiction in Madagascar.

His Excellency stated that he had received a despatch from your Excellency expressing surprise and regret that Her Majesty's Consular officers in that island had not yet received instructions to recognize the jurisdiction over British subjects of the French Tribunals which have been established in the island.

It was recalled to Baron de Courcel's recollection that so long ago as last September an offer had been made by the Marquess of Salisbury to renounce at once the extra-territorial rights of Great Britain in Madagascar on receiving from the Government of the Republic a written assurance of a similar renunciation, in the future, of French rights in Zanzibar.

Baron de Courcel replied that although no written reply had been made to this proposal, and although his Excellency had no instructions on the subject, yet he thought that Her Majesty's Government might feel assured that, whenever adequate provision had been made in Zanzibar for the administration of justice by

properly constituted British Tribunals in cases in which French citizens were concerned, the French Government would make no difficulty about admitting the jurisdiction of such Tribunals over French citizens.

I have now the honour, in accordance with instructions which I have received from Lord Salisbury, to state that if the assurance thus given receives your Excellency's confirmation, his Lordship will no longer hesitate to instruct Her Majesty's Consular officers in Madagascar, by telegraph, in the sense desired by the Government of the Republic.

I have, &c.,

(For the Ambassador).

M. Hanotaux.

MARTIN GOSSELIN.

No. 31.—Sir E. Monson to the Marquess of Salisbury.—(Received April 7.)

MY LORD,

Paris, April 6, 1897.

WITH reference to your Lordship's despatch of the 26th and to my despatch of the 30th ultimo, I have the honour to transmit copies of two notes, dated yesterday, which I have received from M. Hanotaux, the first stating that the French Government is prepared to abandon their rights of jurisdiction over their nationals in Zanzibar as soon as the administration of justice shall be guaranteed in the island by properly constituted British Courts; the second, taking note of the assurance which I was instructed to make that, subject to this condition, Her Majesty's Government will instruct Her Majesty's Consular Representatives in Madagascar to recognize the jurisdiction of the French Tribunals over British subjects established in that island, and stating that his Excellency will be glad to learn that instructions to this effect have been forwarded by telegraph to the British Consular officers.

I have, &c.,

(In the absence of the Ambassador),

The Marquess of Salisbury.

MARTIN GOSSELIN.

(Inclosure 1.)—M. Hanotaux to Mr. Gosselin

M. LE MINISTRE,

Paris, le 5 Avril, 1897.

CONFORMÉMENT au vœu que vous avez été chargé de m'exprimer, j'ai l'honneur de vous faire savoir que le Gouvernement de la République est disposé à abandonner l'exercice de ses droits de juridiction sur les ressortissants à Zanzibar, le jour où l'administration de la justice y serait assurée par des Tribunaux Britanniques régulièrement constitués.

Je vous serais très obligé de vouloir bien porter cette déclaration à la connaissance du Gouvernement Britannique.

Agréé, &c.,

M. Gosselin, Esq.

G. HANOTAUX.

(Inclosure 2.)—M. Hanotaux to Mr. Gosselin.

M. LE MINISTRE,

Paris, le 5 Avril, 1897.

PAR une communication en date du 29 Mars dernier vous avez bien voulu me faire savoir que le Gouvernement de la Reine était disposé à prescrire à ses Agents à Madagascar de reconnaître la juridiction des Tribunaux Français institués dans la grande île Africaine sur les sujets Anglais qui y sont établis.

Je ne puis que prendre acte de ces assurances, et je serais heureux d'apprendre que le Gouvernement Britannique a adressé par le câble aux fonctionnaires précités des instructions à cet effet.

Agréé, &c.,

M. Gosselin, Esq.

G. HANOTAUX.

No. 32.—Sir E. Monson to the Marquess of Salisbury.—(Received April 12.)

MY LORD,

Paris, April 10, 1897.

WITH reference to my despatch of the 6th instant I have the honour to state that M. Hanotaux referred this afternoon to the two notes which he had sent me on the 5th instant, and which were inclosed in copy in that despatch.

His Excellency said that he hoped that your Lordship would be so good as to have telegraphic instructions sent to the local Consular authorities at once, as requested in his note respecting Madagascar, as the official assurance of Her Majesty's Government that the arrangement had been agreed to would go far to avert all danger of future friction.

I have, &c.,

The Marquess of Salisbury.

EDMUND MONSON.

No. 33.—Sir E. Monson to the Marquess of Salisbury.—(Received April 15.)

MY LORD,

Paris, April 14, 1897.

I WAITED on M. Hanotaux the day before yesterday, and placed in his hands a note in which, in conformity with your Lordship's instructions, I stated that Her Majesty's Government, in view of the assurances given by that of the Republic, had sent orders to the British Consular officials in Madagascar to recognize the jurisdiction of the French Courts over British subjects in the island.

M. Hanotaux, in thanking me for this communication, which he said would produce an excellent effect, referred to the note in which he had undertaken to make an equivalent concession in regard to Zanzibar, as constituting the consideration in virtue of which Her Majesty's Government had consented to meet the wishes of the French Government, adding that he hoped that this transaction might be the first step in the settlement of all outstanding questions.

I have, &c.,

The Marquess of Salisbury.

EDMUND MONSON.

No. 34.—Extract from the "Journal Officiel" of April 17, 1897.

*Loi de la République Française, portant application à Madagascar de
Tarif Général des Douanes.—Paris, le 16 Avril, 1897.*

Le Sénat et la Chambre des Députés ont adopté,

Le Président de la République promulgue la Loi dont la teneur suit :

Article Unique.—L'Ile de Madagascar et ses dépendances sont placées sous le régime douanier institué par la Loi du 11 Janvier, 1892, pour les Colonies et possessions Françaises non comprises dans l'exception prévue par le paragraphe 2 de l'Article 3 de la dite Loi.

La présente Loi, délibérée et adoptée par le Sénat et par la Chambre des Députés, sera exécutée comme loi de l'Etat.

Fait à Paris, le 16 Avril, 1897.

FÉLIX FAURE

Par le Président de la République :

ANDRÉ LEBON, *Ministre des Colonies.*

GEORGES COCHERY, *Ministre des Finances.*

HENRY BOUCHER, *Ministre du Commerce, de l'Industrie,
des Postes et des Télégraphes.*

*No. 35.—Sir E. Monson to the Marquess of Salisbury.—(Received
April 19.)*

MY LORD,

Paris, April 16, 1897.

WITH reference to my despatch of the 14th instant I have the honour to transmit herewith to your Lordship copy of a note which I have received from the French Minister of Foreign Affairs, thanking me for the intimation I had given his Excellency that the British Consular officials in Madagascar had received instructions to recognize the jurisdiction of the French Courts over British subjects established in the island.

I have, &c.,

The Marquess of Salisbury.

EDMUND MONSON.

(*Inclosure.*)—*M. Hanotaux to Sir E. Monson.*

M. L'AMBASSADEUR,

Paris, le 15 Avril, 1897.

LE 12 de ce mois votre Excellence a bien voulu m'annoncer que son Gouvernement avait envoyé aux Agents Consulaires Britanniques à Madagascar des instructions leur prescrivant de reconnaître la juridiction des Tribunaux Français sur les sujets Anglais établis dans la Grande Ile.

Je m'empresse de remercier votre Excellence de cette communication.

Agréé, &c.,

Sir E. Monson.

G. HANOTAUX.

No. 36.—*The Marquess of Salisbury to Sir E. Monson.*

SIR,

Foreign Office, April 22, 1897.

I HAVE received your Excellency's despatch of the 6th instant, containing copies of two notes addressed to your Excellency by the French Minister of Foreign Affairs.

In the first of these M. Hanotaux states that he takes note of the assurances given to him by your Excellency on the 29th ultimo, to the effect that Her Majesty's Government were prepared to instruct their Agents in Madagascar to recognize the jurisdiction of the French Tribunals in the island over the British subjects established there, and adds that he would be glad to hear that the instructions had been sent by telegraph.

In the second his Excellency states that, in compliance with the wish expressed by your Excellency, the Government of the Republic is disposed to abandon the exercise of its rights of jurisdiction over those now subject to it ("les ressortissants") in Zanzibar, on the day when the administration of justice there shall have been assured by properly constituted British Tribunals. His Excellency asks that you will communicate this declaration to Her Majesty's Government.

I requested your Excellency on the 11th instant to inform the French Government that, in view of these assurances, I had instructed the British Consular officers in the Island of Madagascar to recognize the jurisdiction of the French Tribunals in the island over British subjects.

Those instructions were sent by telegraph, and I request your Excellency to inform M. Hanotaux that Her Majesty's Government take note with satisfaction of his Excellency's declaration in regard to the abandonment of French jurisdiction in Zanzibar.

I am, &c.,

Sir E. Monson.

SALISBURY.

No. 37.—Foreign Office to Acting Consul Sauzier.

SIR,

Foreign Office, April 22, 1897.

I AM directed by the Marquess of Salisbury to state to you that as a consequence of the complete establishment of a French judicial system in Madagascar, and of assurances received from the French Government, Her Majesty's Government have decided to recognize the jurisdiction of French Courts over British subjects in the island.

His Lordship telegraphed to you to this effect on the 11th instant, and instructed you to notify the fact to British officials and subjects in the island.

I am, &c.,

A. Sauzier, Esq.

FRANCIS BERTIE

No. 38.—Sir E. Monson to the Marquess of Salisbury.—(Received April 29.)

MY LORD,

Paris, April 26, 1897.

WITH reference to my despatch of the 17th March last I have the honour to transmit to your Lordship herewith copy of a note which I have received from the French Minister for Foreign Affairs in reply to the communication I addressed to his Excellency on the 15th ultimo, explaining the nature of, and reasons for, the recent action of the French authorities in Madagascar.

M. Hanotaux informs me that he has brought the contents of the Memorandum I left with his Excellency to the notice of the French Minister of the Colonies.

Your Lordship will observe from the last two paragraphs of M. Hanotaux' note that the French Government blame certain British Agents for the part they have played in recent proceedings in Madagascar, and that stress is laid upon the fact that this state of things should cease now that instructions have been issued to the British Vice-Consular officers to recognize the jurisdiction of the French Tribunals over British subjects.

I have, &c.,

The Marquess of Salisbury.

EDMUND MONSON.

(Inclosure.)—M. Hanotaux to Sir E. Monson.

M. L'AMBAassadeUR,

Paris, le 23 Avril, 1897.

PAR une lettre du 15 Mars dernier vous avez bien voulu me transmettre un Mémorandum contenant diverses informations parvenues au Gouvernement de la Reine relativement à la situation où se trouvent actuellement les sujets Britanniques à Madagascar par suite de la mise en vigueur des lois civiles et militaires Françaises.

En signalant à mon attention les indications contenues dans ce document, votre Excellence rappelait qu'aucune réponse n'avait été donnée jusqu'à présent à la communication qui m'avait été faite par Mr. Howard, le 14 Août, 1896, d'une dépêche adressée à l'Ambassade d'Angleterre à Paris, le 4 du même mois, par Lord Salisbury, au sujet de la question générale des intérêts et des droits conventionnels Britanniques à Madagascar.

Je dois tout d'abord noter qu'au moment où j'ai reçu des mains de Mr. Howard le document dont il s'agit, j'ai formulé immédiatement les réserves d'ordre général que comportait sa teneur. C'est ainsi que j'ai fait remarquer qu'à aucune époque nous n'avions pris l'engagement de ne jamais procéder à l'annexion de Madagascar.

Il ne m'avait pas semblé, après ces explications, que, dans les conditions où elle s'était effectuée, la remise d'une pièce qui ne m'était pas destinée comportât un échange ultérieur de correspondances, d'autant plus que presque aussitôt après, par une lettre du 24 Août, le Marquis de Salisbury, sans insister sur aucune des réserves formulées dans le document précité, avait accusé réception de la notification, adressée le 17 du même mois au Gouvernement Britannique, de l'annexion de Madagascar à la France, et que, dans la suite, le Baron de Courcel avait eu, sur les différentes conséquences de cette mesure, plusieurs entretiens avec sa Seigneurie.

Je n'ai pas à reprendre ici, après les débats qui ont eu lieu à différentes reprises devant le Parlement Français, l'exposé des événements à la suite desquels le Gouvernement de la République a été amené à prendre possession de la Grande Ile et à en consacrer l'annexion. Mais je dois spécifier expressément, ainsi que je l'avais déjà fait remarquer à Mr. Howard, que la liberté d'action de la France à cet égard n'était affectée par aucun engagement antérieur. On chercherait, en effet, vainement la trace d'une stipulation de semblable nature dans l'Arrangement de 1890, dont les clauses réglaient une situation qui impliquait à Madagascar l'existence d'une souveraineté étrangère et s'est trouvée depuis lors radicalement modifiée. La Grande Ile, étant désormais placée sous la souveraineté directe de la France, ne saurait être régie par d'autres règles que celles de notre législation et de notre droit conventionnel. Il y a là un principe universellement consacré par le droit international et par la pratique des nations.

C'est ainsi, par exemple, que dès le vote de la Loi du 6 Août dernier, le Gouvernement des États-Unis, comme j'en ai informé Mr. Howard dans l'entretien auquel je me suis déjà référé, a reconnu, sans élever aucune objection, que le Traité conclu par lui avec la Reine de Madagascar était d'ores et déjà abrogé, et que le

seul régime conventionnel applicable à ses nationaux, comme à son commerce, dans la Grande Ile, était celui qui réglait ses rapports avec la France. Cette situation a été également admise par l'ensemble des autres Gouvernements Européens.

En ce qui concerne les faits allégués dans le Mémorandum, je n'ai pas manqué de mettre le Ministre des Colonies en mesure de les examiner.

Le Gouvernement Britannique sait, d'ailleurs, quelles nécessités ont obligé le Résident-Général, Commandant-en-chef, à placer l'Émyrne sous le régime de la loi martiale, afin de ramener l'ordre dans cette province et d'y assurer la protection des biens et des existences. A cette œuvre de préservation commune, qui intéresse non moins les ressortissants Britanniques que les autres résidents Européens, il semblait que le concours de tous les éléments civilisés dût être acquis sans réserve.

Le Gouvernement Français a eu néanmoins le regret de constater qu'à diverses reprises l'attitude de certains Agents Anglais a pu prêter à des équivoques préjudiciables aux efforts de nos autorités pour réprimer la rébellion et rétablir l'ordre.

Je ne rappellerai, d'ailleurs, la situation ainsi créée par cette attitude des Agents Anglais que pour constater qu'elle est appelée à prendre fin par suite de l'envoi aux Vice-Consuls Britanniques à Madagascar d'instructions leur prescrivant de reconnaître la juridiction sur leurs ressortissants des Tribunaux Français institués dans la Grande Ile Africaine.

Agréez, &c.,

Sir E. Monson.

G. HANOTAUX

No. 39.—*The Marquess of Salisbury to Sir E. Monson.*

SIR,

Foreign Office, April 30, 1895.

THERE appears to be some doubt as to whether the Law which has been recently published in France applying to the Island of Madagascar and its dependencies the Customs system introduced by the Law of the 11th January, 1892, into the French Colonies and possessions is to be immediately enforced in Madagascar, and whether it is intended to apply the Maximum or Minimum Tariff to the goods of all countries other than France; but whichever the Tariff may be there can be no doubt that it will still, on the great majority of articles, be far above the rate of 10 per cent. which is fixed by the Treaty of 1865 between Great Britain and Madagascar.

In my despatch to Mr. Howard of the 4th August, 1896, of which has been communicated to M. Hanotaux, I pointed out that

by that Treaty most-favoured-nation treatment in regard to commerce is conferred upon British subjects, and that the claim to give to French commerce a preferential position in regard to the commerce of other nations, and to impose upon goods imported from Great Britain a duty in excess of the 10 per cent. stipulated in the Treaty, practically assumed the right of excluding the trade of Great Britain from the markets of Madagascar.

I said that Her Majesty's Government were unable to admit the reasoning by which the French Foreign Minister appeared to have been guided, and I pointed out that under the proviso annexed to the Arrangement of 1890, by which the Government of Her Britannic Majesty recognized the Protectorate of France over Madagascar, with its consequences, the right to the most favoured treatment, and to a limitation of the Tariff to a maximum of 10 per cent., were not to be affected by the establishment of the French Protectorate.

I further drew the attention of the French Government to the bearing of their previous declarations and engagements upon their claim to have cancelled by conquest all the Treaty engagements of Madagascar. In considering the value of such a doctrine in dealing with British Treaty rights, it is essential to bear in mind that those Treaty rights were guaranteed by the signature of France herself so long as the Protectorate subsisted, and that if Her Majesty's Government watched without solicitude the progress of the French expedition into the island it was because they were relying on the formal assurances of the French Government that the object of the expedition was to maintain and not destroy the Protectorate.

French annexation could have no effect upon rights created: first, by the covenant that the existing Treaties should be respected under a Protectorate; and, secondly, by the assurance that the Protectorate was not to be disturbed.

As I reminded your Excellency in my despatch of the 9th ultimo, I am still without any reply to the above observations, and in requesting your Excellency to recall them to M. Hanotaux' memory, I have to request that you will add that nothing has since occurred to modify the opinions then expressed, and that Her Majesty's Government must reserve all the rights and immunities of British subjects which may be affected by the Law applying the General French Customs Tariff to Madagascar.

am, &c.,

SALISBURY.

Sir E. Monson.

No. 40.—Sir E. Monson to the Marquess of Salisbury.—(Received May 12.)

MY LORD,

Paris, May 11, 1891.

WITH reference to your despatch of the 30th April, I have the honour to transmit herewith to your Lordship copy of a note I have addressed to M. Hanotaux, reminding his Excellency that no answer has been received to the reservations made by Her Majesty's Government with regard to the Madagascar Customs Tariff.

I have, &c.,

The Marquess of Salisbury.

EDMUND MONSON

(Inclosure.)—Sir E. Monson to M. Hanotaux.

M. LE MINISTRE,

Paris, May 9, 1891.

I RECENTLY communicated to Her Majesty's Principal Secretary of State for Foreign Affairs the Law which was published in the "Journal Officiel" of the 17th ultimo, applying to the Island of Madagascar and its dependencies the Customs system introduced by the Law of the 11th January, 1892, into the French Colonies and possessions, but I have not been able to ascertain whether this Law is to be immediately enforced in Madagascar, and whether it is intended to apply the Maximum or Minimum Tariff to the goods of all countries other than France. I should therefore be much obliged if your Excellency could favour me with information on these points for communication to Her Majesty's Government. In any case, however, I presume that the rate of 10 per cent. which is fixed by the Treaty of 1865 between Great Britain and Madagascar will not probably not be adhered to.

In my note of the 15th March last I had the honour to remind your Excellency, in accordance with Lord Salisbury's instructions, that no reply had been received by Her Majesty's Government to a despatch dated the 4th August last, a copy of which was handed to your Excellency by Mr. Howard on the 14th of that month, in regard to the general question of British interests and Treaty rights in Madagascar. In that despatch Lord Salisbury pointed out that by the Treaty of 1865 most-favoured-nation treatment in regard to commerce is conferred upon British subjects, and that the claim to give to French commerce a preferential position in regard to the commerce of other nations and to impose upon goods imported from Great Britain a duty in excess of the 10 per cent. stipulated in the Treaty, practically assumed the right of excluding the trade of Great Britain from the markets of Madagascar.

His Lordship said that Her Majesty's Government were unable to admit the reasoning by which the French Foreign Minister appeared to have been guided, and pointed out that, under the

proviso annexed to the Arrangement of 1890 by which the Government of Her Britannic Majesty recognized the Protectorate of France over Madagascar, with its consequences, the right to the most favoured treatment, and to a limitation of the Tariff to a maximum of 10 per cent., were not to be affected by the establishment of the French Protectorate.

Lord Salisbury further drew the attention of the French Government to the bearing of their previous declarations and engagements upon their claim to have cancelled by conquest all the Treaty engagements of Madagascar. In considering the value of such a doctrine in dealing with British Treaty rights, it is essential to bear in mind that those Treaty rights were guaranteed by the signature of France herself so long as the Protectorate subsisted, and that if Her Majesty's Government watched without solicitude the progress of the French expedition into the island, it was because they were relying on the formal assurance of the French Government that the object of the expedition was to maintain and not destroy the Protectorate. A French annexation could have no effect upon rights created, first, by the covenant that the existing Treaties should be respected under a Protectorate; and, secondly, by the assurance that the Protectorate was not to be disturbed.

In recalling these observations, which still remain unanswered to your Excellency's memory, I am requested by Lord Salisbury to add that nothing has since occurred to modify the opinion then expressed, and that Her Majesty's Government must reserve all the rights and immunities of British subjects which may be affected by the Law applying the General French Customs Tariff to Madagascar.

I have, &c.,

M. Hanotaux.

EDMUND MONSON.

No. 41.—Sir E. Monson to the Marquess of Salisbury.—(Received May 15.)

MY LORD,

Paris, May 13, 1897.

WITH reference to my despatch of the 11th instant I have the honour to transmit herewith to your Lordship copy of a note which I have received from the French Minister for Foreign Affairs respecting the application of the Customs régime instituted by the Law of the 11th January, 1892, to Madagascar and its dependencies.

In this note M. Hanotaux refers to his communication of the 23rd April, which I had the honour to forward to your Lordship in my despatch of the 26th ultimo, in which he pointed out that the Arrangement of 1890 referred to a situation which implied the

existence of a foreign sovereignty in Madagascar, but that as the island has been since the 6th August, 1896, placed under the direct sovereignty of France, it can only be governed henceforward by French laws and French Treaty engagements.

His Excellency informs me that the object of the Law of the 16th April, 1897, is to include Diego Suarez, Nossibé, and Sainte-Marie in the operation of the Customs Law of the 11th January, 1892, from which they had been excepted by Article 3 of that Law, and does not refer to Madagascar proper, which came under the Law by the fact of its annexation. Foreign products imported into the dependencies of Madagascar, or into the island itself, will now be subject to the same duties as those to which they are liable in France.

Authority is given by section 4 of Article 3 of the Law of the 11th January, 1892, to make a special classification in the Tariff for certain articles. Such a classification has been considered necessary for Madagascar, and has, in fact, been already prepared. M. Hanotaux promises to communicate it to me as soon as he receives it from the Minister of the Colonies.

I have, &c.,

The Marquess of Salisbury.

EDMUND MONSON.

(Inclosure.)—M. Hanotaux to Sir E. Monson.

M. L'AMBASSADEUR,

Paris, le 11 Mai, 1897.

VOTRE Excellence a bien voulu me demander, par lettre du 9 de ce mois, quelles seraient les conséquences, au point de vue des droits de douane appliqués aux marchandises d'origine Britannique importées à Madagascar, de la Loi du 16 Avril dernier, qui place Madagascar et ses dépendances sous le régime douanier institué par la Loi du 11 Janvier, 1892. A cette occasion vous rappelez les réserves exprimées dans une dépêche que le Marquis de Salisbury adressait le 4 Août, 1896, à Mr. Howard, Ministre d'Angleterre à Paris, et dont celui-ci m'a remis copie le 14 du même mois, réserves portant sur l'abrogation, par l'effet de l'annexion de Madagascar à la France, du Traité Anglo-Malgache de 1865, dont l'observation sous le régime du Protectorat avait été assurée par l'Arrangement de 1890.

En ce qui concerne ces réserves je ne puis que prier votre Excellence de se référer à la lettre que j'avais l'honneur de lui adresser le 23 Avril dernier, et dans laquelle je lui faisais remarquer que l'Arrangement de 1890 se rapportait à une situation qui impliquait l'existence à Madagascar d'une souveraineté étrangère, mais que, la Grande Ile se trouvant placée depuis le 6 Août, 1896, sous la souveraineté directe de la France, elle ne saurait désormais être

régie par d'autres règles que celles de notre législation et de notre droit conventionnel.

Pour ce qui est du régime douanier, votre Excellence paraît se méprendre sur la portée de la Loi du 16 Avril, 1897. Cette Loi a pour objet la mise en vigueur de la Loi du 11 Janvier, 1892, non pas dans les territoires qui formaient autrefois les États de la Reine Ranavaloa, cette mise en vigueur devant résulter de plans d'annexion, mais bien à Diégo-Suarez, Nossi-Bé, et Sainte-Marie, qui, par une disposition spéciale insérée à l'Article 3 de la dite Loi, étaient soustraits à son application. En conséquence, les produits étrangers importés dans les dépendances de Madagascar, aussi bien qu'à Madagascar même, seront soumis, en conformité du section 3 de l'Article 3 de la Loi du 11 Janvier, 1892, aux mêmes droits que s'ils étaient importés en France. Toutefois, le section 4 du même Article autorise l'établissement dans les Colonies, par Décrets rendus en forme de Règlements d'Administration Publique, d'une tarification spéciale pour certains produits; une tarification de ce genre a paru devoir être établie à Madagascar; elle est actuellement soumise à l'instruction réglementaire, et pourra vraisemblablement être présentée au Conseil d'État dans un assez bref délai. J'ai prié M. le Ministre des Colonies de m'en communiquer le projet dès que cela sera possible, et j'aurai soin de la porter à la connaissance de votre Excellence aussitôt qu'il me sera parvenu.

Agréez, &c.,

Sir E. Monson.

G. HANOTAUX.

*CONSTITUTION of the Republic of the Equator.—Quito,
January 14, 1897.*

(Translation.)

THE National Assembly, in the name and by the authority of the Equatorian people, decrees the following political Constitution:—

CHAPTER I.—*Of the Equatorian Nation.*

1. The Equatorian nation is composed of all Equatorians united under the control of the same laws.

2. The territory of the Equatorian nation comprises that of the provinces which formed the ancient Presidency of Quito and that of the Archipelago of Colon, formerly Galapagos.

The boundaries will be fixed definitively by means of Treaties with the neighbouring nations.

3. The Republic is free, indivisible, and independent of any foreign Power.

4. The Government of the Equator is popular, elective, representative, alternative, and responsible. It is distributed into three powers: the Legislative, Executive, and Judicial. Each of these will exercise the functions defined by this Constitution, without exceeding the limits prescribed by it.

5. Sovereignty resides essentially in the nation, which delegates it to the authorities established by this Constitution.

CHAPTER II.

Section 1.—*Of the Equatorians.*

6. The following are Equatorians :—

(1.) Those who are born in the territory of the Equator of Equatorian father or mother;

(2.) Those born in the said territory of foreign parents if they reside therein;

(3.) Those who, born in a foreign State of Equatorian father or mother, come to reside in the Republic and express their wish to become Equatorians;

(4.) Natives of other countries who may be in the enjoyment of Equatorian nationality;

(5.) Foreigners, who profess science, art, or useful industry, or who may be owners of real property or invested capital, and who after having resided one year in the Republic, declare their intention of becoming domiciled therein and obtain letters of naturalization;

(6.) All who obtain nationality rights for services to the Republic.

7. No Equatorian, even although he may acquire another nationality, shall be exempted from the duties imposed by the Constitution and the laws so long as he remains domiciled in the Republic.

Section 2.—*Of the Citizens.*

8. To be a citizen it is necessary to be 18 years of age, and able to read and write.

9. The rights of citizenship are lost—

(1.) By entering the service of a nation at war with the Republic;

(2.) By naturalization in another country; and

(3.) In the other cases determined by the laws.

10. Equatorians who may have lost the rights of citizenship shall be able to obtain rehabilitation from the Senate; but those

sentenced to confinement or imprisonment for a term exceeding six months shall not obtain rehabilitation until their sentence has expired.

Any Equatorian who may be naturalized in another country shall recover his rights of citizenship if he returns to the Equator and, renouncing his foreign nationality, declares his intention of reassuming Equatorian citizenship.

11. The rights of citizenship are suspended—

(1.) By judicial interdiction;

(2.) By judicial sentence, pronounced in consequence of infractions of the law which entail the loss of the rights of citizenship; and

(3.) By judicial sentence against a public official or functionary.

CHAPTER III.—*Of Religion.*

12. The religion of the Republic is the Apostolic Roman Catholic, to the exclusion of any other contrary to morality. The public powers shall be under the obligation to protect it, and to cause it to be respected.

CHAPTER IV.—*Of Guarantees.*

13. The State respects the religious beliefs of the inhabitants of the Equator, and shall cause the exercise of the same to be respected.

Religious belief shall be no obstacle to the exercise of political and civil rights.

14. Capital punishment for political or ordinary offences remains abolished.

15. The penalty of confiscation of property is prohibited.

16. No one may be deprived of his property except by virtue of a judicial sentence, or by expropriation, which, subject to previous indemnity, may be decreed in accordance with law on the grounds of public utility.

17. No contribution or taxes shall be exacted, except in conformity with law and by the authority therein designated. In all taxation the due proportion between the amount levied and the possessions or trade of the person taxed shall be preserved.

18. All persons will enjoy industrial freedom, and, within the limits prescribed by law, the exclusive ownership of their discoveries, inventions, and literary works.

19. Epistolary and telegraphic correspondence is inviolable, and may not be made use of in trials for political offences. It is

forbidden to intercept, open, or register papers or effects which are private property, except in the cases indicated by law.

20. The dwelling-place of every person is inviolable; it shall not be entered except under special circumstances determined by law, and by order of the competent authority.

21. There are not, nor shall there be, slaves in the Republic, and those who set foot on Equatorian territory shall be free.

22. Conscription is forbidden.

23. From no person shall services be exacted not imposed by law; and in no case shall artisans and labourers be compelled to work, except in virtue of a contract.

24. There shall be liberty of meeting and association, without arms, for purposes not prohibited by the laws.

25. All possess the right of petition to any authority whatsoever; the same shall give a decision thereon within the periods fixed by the laws. This right may be exercised individually or collectively, but never in the name of the people.

26. No person may be detained, arrested, or imprisoned, except in the cases, in the form, and for the period determined by the laws.

27. No one may be placed beyond the protection of the laws, nor withdrawn from his ordinary Judges, nor judged by special commissions or laws passed subsequent to the commission of the offence, nor deprived of the right of defence at any stage of the trial.

28. No one shall be obliged to give evidence in a criminal trial against his consort, forefathers, descendants, or collaterals within the fourth civil degree of consanguinity, or second of affinity; nor shall he be compelled, on oath or other judicial compulsion, to give evidence against himself in matters which entail penal consequences, nor be deprived of intercourse for more than twenty-four hours, nor punished with bars, shackles, or other torture.

29. Every person shall be considered innocent and shall preserve his good reputation as long as he is not declared guilty in accordance with the laws.

30. Equality before the law is guaranteed, by virtue of which no special Tribunals for the trial of common offences shall be recognized.

31. No privileges shall be granted, nor obligations imposed, which shall put any citizen into a better or worse position than any other.

32. All persons may express their thoughts freely by speech or through the press, subject to the responsibility established by the laws. A special Tribunal shall take cognizance of offences committed through the press.

33. All may travel, change their domicile, leave the Republic,

and return to it, taking with them, whether going or coming, their property. Exception is made in the case of war, when a passport will be required.

34. The public credit is guaranteed; consequently, the funds for the amortization of the Public Debt, as provided by law, shall not be diverted from that object, except in the case indicated in Article 98, paragraph (9).

35. There shall be freedom of suffrage.

36. Education is free; consequently, any person may found educational establishments subject to the respective laws. Primary education is free and compulsory, without prejudice to the right of parents to give their children such education as shall seem good to them. The said education, and that of arts and crafts, shall be at the public expense.

37. Foreigners shall be admitted into the Equator, and shall enjoy the Constitutional guarantees, in so far as they respect the Constitution, and the laws of the Republic. The immigration of religious communities is excepted, and no ecclesiastic who may not be an Equatorian by birth shall exercise the prelacy, be employed in the Equatorian Church, nor administer the property of the monastical institutions existing in the Republic.

38. All contracts concluded by a foreigner with the Government or with a private individual carry the express condition of the renunciation of all diplomatic claims.

39. Public officials who violate any of the guarantees declared by this Constitution shall be responsible with their property for the damages and injuries caused thereby; and with respect to the crimes or offences which they may commit against such guarantees the following dispositions shall be observed:—

(1.) They may be prosecuted by any person, without the necessity of finding security or the signature of an advocate, before the Tribunals of Justice;

(2.) The penalties to be imposed shall not be susceptible of remission, diminution, or commutation during the Constitutional period in which the offence is committed; and

(3.) The crimes or offences, criminal actions and penalties imposed, shall not be prescribed, nor shall their prescription commence, except after the expiration of the said Constitutional period.

CHAPTER V.—*Of the Elections.*

40. Popular elections by direct and secret vote shall be held in conformity with the provisions of the laws. There shall be elected in this manner the President and Vice-President of the Republic,

the Senators and Deputies, and the other authorities required by the Constitution and the laws.

41. The electors are those Equatorians who exercise the rights of citizenship.

42. The elections shall be carried out on the day fixed by law; upon that day the respective authorities, under the strictest responsibility, shall carry out the provisions of the said law, without awaiting orders from their superiors.

CHAPTER VI.—*Of the Legislative Power.*

Section 1.—*Of the Congress.*

43. The Legislative Power is vested in the National Congress, composed of two Chambers: one of Senators, and the other of Deputies.

44. Congress will meet every year on the 10th August in the capital of the Republic, even though it has not been convoked; and the Sessions will last sixty days, during which it may not be prorogued. It will also meet in Extraordinary Session when convoked by the Executive Power, and for the time and business only indicated by him.

Section 2.—*Of the Chamber of the Senate.*

45. The Chamber of the Senate is composed of two Senators for each province.

46. In order to be Senator it is necessary—

(1.) To be an Equatorian in exercise of the rights of citizenship; and

(2.) To be of the age of 35 years.

Equatorians naturalized in accordance with Article 6, sections (3), (4), (5), and (6), of this Constitution, must, in addition, have resided for four years in the Republic.

47. The following are exclusive attributes of the Senate:—

(1.) To try prosecutions instituted by the Chamber of Deputies against officials, as provided by Article 52;

(2.) To reinstate those who have lost their rights of citizenship, except in cases of treason in favour of a State at war with the Republic, or of a foreign faction;

(3.) To rehabilitate the character of persons condemned unjustly, in the event of their innocence being proved.

48. When the Senate tries any accusation, which must be limited to conduct in official functions, it may not impose any other punishment than the suspension or dismissal of the official, and, at

most, declare the accused, temporarily or permanently, incapacitated from obtaining public positions; but a criminal trial will follow in the competent Tribunal, if the deed constitutes an offence which merits further punishment.

49. When the prosecution does not refer to the official conduct of the accused, the Senate will confine itself to a declaration whether or no there is a case for investigation, and, in case there is, will place the accused person at the disposition of the proper Tribunal.

Section 3.—*Of the Chamber of Deputies.*

50. The Chamber of Deputies is composed of citizens nominated by the provinces of the Republic. Each province will elect one Deputy for each 30,000 inhabitants. But if the remainder amounts to 15,000 there will be one more Deputy. Every province, whatever its population may be, will elect at least one Deputy.

51. Any Equatorian in the exercise of his rights of citizenship, and who may be 25 years of age, may be a Deputy.

52. The following are the special attributes of the Chamber of Deputies :—

(1.) To indict, before the Senate, the President of the Republic, or the individual intrusted with the Executive Power, the Ministers Secretaries of State, Magistrates of the Supreme Courts of Justice, and State Councillors ;

(2.) To take into consideration accusations made against the said authorities, and, if they consider them well-founded, to lay them before the Senate ;

(3.) To require of the proper authorities that they take steps to make effective the responsibility of public officials who have abused their position or been deficient in the execution of their duties ; and

(4.) To take the initiative in laws relating to imposts and taxes.

Section 4.—*Regulations common to the two Chambers.*

53. Neither of the Chambers will commence its Sessions unless two-thirds of its total number of Members are present, nor will continue them without an absolute majority.

54. No Senator or Deputy may absent himself without the permission of the Chamber to which he belongs, and if he does so he will lose for two years the rights of citizenship.

55. The Chambers will meet together to declare the election of the President and Vice-President of the Republic, or to confirm

their election ; to receive the promise of the high functionaries ; to accept or refuse their resignations ; to elect Councillors of State, Ministers of the Supreme Court of Justice, of the Court of Eschequer, and of the Superior Courts, and to accept or refuse their resignations ; to approve or reject the recommendations made by the Executive for the appointment of Generals or Colonels ; to censure the conduct of Ministers of State when either of the Chambers make a request to that effect. But they shall never meet jointly to exercise the attributes which belong to each separately in conformity with Article 65.

The Minister whose official conduct has been censured by the Congress may not take any fresh portfolio until the conclusion of the Constitutional term.

56. The Chambers must sit separately, must open and close their Sessions on the same day, sit in the same town, and neither of them must be transferred to another place, nor prorogue their Sessions for more than three days, without the consent of the other.

57. The Senators and Deputies may not be held responsible for the opinions which they express in the Congress, and enjoy privilege for thirty days previous to the Sessions of the Chambers, during such Sessions, and for thirty days after. They shall not be sentenced, prosecuted, nor arrested, unless the Chamber to which they belong first authorizes their trial by a vote of the majority of the Members present. Should any Senator or Deputy be surprised in the commission of any crime or offence he shall be placed at the disposal of the Chamber to which he belongs, in order that that Chamber may declare, after investigation of the charge, if the trial should or should not go on. But if the crime or offence is committed within the thirty days after the close of the Session, the Judge shall be free to proceed with the trial of the Senator or Deputy.

58. During the period for which they are elected, and for one year after, Senators and Deputies may not accept, even provisionally or in commission, any employment in the independent gift of the Executive Power.

Officials who are appointed by the Executive alone may not be elected Senators or Deputies, although they have resigned their appointments three months previous to the elections.

Military Commanders are excepted from the provisions of the first paragraph of this Article in cases of foreign invasion or internal revolution.

59. Senators are elected for four years, and may submit themselves for re-election without restriction. Every two years one-half the Senate will be renewed ; on the first occasion the Senators who

must retire under this rule will be chosen by lot in accordance with the internal regulations of the Senate.

60. Deputies are elected for two years, and may submit themselves for re-election without restriction.

61. The President and Vice-President of the Republic, the Secretaries and Councillors of State, and the Judges of the Courts of Justice, are ineligible as Senators or Deputies. Nor is any person eligible to be returned for a province if in any part of it, or in one of its cantons, he holds or has held three months previous to the elections any civil, ecclesiastical, political, or military command, jurisdiction, or authority.

62. If on the day fixed for the opening of the Sessions there are not the number of Senators or Deputies fixed by this Constitution, or if the Sessions being opened either of the Chambers is unable to continue them for want of a majority, the Members present, whatever be their number, will order the absentees, under the legal penalties, to attend, and will continue to meet until the said majority is completed.

63. The Sessions will be held in public; unless either Chamber decides by Resolution to deal with any matter in secret Session.

64. Each Chamber has the faculty, under reserve, to create such appointments, and to govern them by such regulations as may be considered necessary, for the direction and discharge of its business, and for the internal police of its Palace of Sessions.

Section 5.—*Of the Attributes of Congress divided into Legislative Chambers.*

65. The following are the attributes of Congress:—

(1.) To reform the Constitution, observing the procedure prescribed therein; and to settle and interpret any doubts which may arise as to the interpretation of its Articles. Such resolution or interpretation shall be enacted in a special law;

(2.) To decree annually the public expenditure in view of the estimates presented by the Executive Power;

(3.) To watch over the just and lawful application of the national revenues;

(4.) To levy taxes, and to authorize the Executive to contract loans on the security of the public credit, which loans may not be issued without the consent of Congress. During the recess of Congress the Executive Power shall raise voluntary loans with the consent of the Council of State;

(5.) To take into consideration the National Debt, to determine the manner and means to be employed as well for its redemption as for the payment of the interest thereon. Debts contracted without

the proper authorization, and any contracted by reason of illegal acts, will not be recognized by Congress ;

(6.) To decree the disposal of fiscal property, make regulations for its administration, and employ it for public purposes ;

(7.) To create or suppress any employments the creation or suppression of which are not vested in any other authority by the Constitution or the law ; to fix or modify the functions of the officials ; and to settle their period of service and emoluments ;

(8.) To declare according to law, and in view of judgment pronounced by the Court of Exchequer, the responsibility of the Minister of the Treasury ;

(9.) To confer rewards, solely honourable and personal, on those who may have rendered great services to the country, and to decree public honours to their memory ;

(10.) To determine and make uniform the alloy, weight, value, coinage, and denomination of the national money ; to make regulations as to the admission and circulation of foreign money ; and to establish a system of weights and measures ;

(11.) To fix each year the maximum of the armed forces, both naval and military, which is to be retained on active service in time of peace, and to make regulations for its recruiting ;

(12.) To declare war, on information received from the Executive Power ; to require him to enter into negotiations for peace, and to approve or withhold approval from public Treaties and other Conventions, without which approval they will not be ratified or the ratifications exchanged ;

(13.) To dictate general educational laws for the public establishments of education and instruction ;

(14.) To promote and develop the progress of science, arts, enterprise, discoveries, and improvements, which it may be desirable to establish in the Republic ;

(15.) To grant, whether during trial or not, general or particular amnesties or pardons for political offences, and general pardons for ordinary crimes and misdemeanours, when required by serious reasons of public convenience. If Congress is not sitting the Executive Power will exercise this function, with the consent of the Council of State ;

(16.) To fix the place in which the Supreme Powers are to be settled ;

(17.) To grant or refuse permission for the transit of foreign troops through the territory of the Republic, or the stationing of foreign ships of war in the ports when for a period longer than two months ;

(18.) To create or abolish provinces or cantons, settle their boundaries, and to open or close ports ;

(19.) To decree the opening or improvement of roads and canals, without interfering with the rights of localities to open and improve their own;

(20.) To decide whether or no a new election shall be held in case of physical or mental incapacity of the President or Vice-President of the Republic;

(21.) To draw up Codes, pass Laws and Decrees for the regulation of the Public Administration, and to interpret, reform, or annul them.

66. Congress may not suspend, under the pretext of pardon, the course of judicial proceedings, nor revoke the sentences and decrees pronounced by the Judicial Power (except in cases provided for by paragraph 15 of the preceding Article), nor exercise any of the functions reserved to the Executive Power, nor depreciate the attributes which, under this Constitution, belong to the authorities of the Provincial Governments. Nor may it decree any payment until the amount payable is justified in accordance with the law, nor any indemnity unless it is preceded by a definite sentence. Lastly, it is forbidden to delegate to one or more of its members, or to another person, corporation, or authority, any of the attributes expressed in the preceding Article, or any function imposed upon it by this Constitution.

Section 6.—*Of the making of Laws and other Legislative Acts.*

67. The Laws, Decrees, and Resolutions of Congress may originate in one of the Chambers, on the initiative of any of its Members, or of the Executive Power, or, of the Supreme Court, in matters relating to the administration of justice.

68. If a proposal to bring in a Bill or other Legislative Act is refused, it shall be postponed to the next Legislature; unless it is brought forward again with modifications. In case it is admitted, it will be debated by each Chamber in three Sessions and on different days.

69. A Bill, Decree, or Resolution having been approved by the Chamber in which it originated, shall immediately be sent on, the days on which it has been debated being stated, to the other Chamber, which may give or withhold its approval, or make the amendments, additions, or modifications it considers desirable.

70. If the Chamber in which the Bill was first debated does not approve of the proposed additions or modifications, it may insist for once only, putting forward fresh reasons. If, notwithstanding such insistence, the revising Chamber does not assent to the Bill, and the additions and modifications affect the Bill as a whole, it will not be debated until the next Legislature; but if they only refer to one or

more of its clauses, such clauses shall be withdrawn and the Bill will be proceeded with.

71. The Bill, Decree, or Resolution which has received the assent of both Chambers will be sent to the Executive Power for his sanction. If he sanctions it, he will order it to be promulgated and put in force; but if he disapproves of it, he will return it, with his observations thereon, within the space of nine days to the Chamber in which it originated. Bills which both Chambers have passed as "urgent," will be approved or vetoed by the Executive Power within the space of three days, he not having the right to decide on the question of urgency.

72. If the Chamber considers the observations of the Executive Power well founded, and they affect the Bill as a whole, it will be deposited in the archives, and will not be brought in again until the following Legislature. If they are only limited to corrections or modifications, the Chamber may discuss them and decide upon them in a single debate.

73. In case the majority of the Members present do not approve of the observations affecting the measure as a whole, the Chamber in which it originated will send it on with this object to the revising Chamber, which, if it agrees with the said observations, will return the Bill that it may be deposited in the archives; but if this Chamber, by a majority of its Members, also disagrees with them, the Bill will be sent to the Executive Power for his sanction, which cannot be refused.

74. In case the Executive Power should not return a measure sanctioned or with observations, within the space of nine days, or of three in case of urgency, or in case he should refuse to sanction it after the Constitutional requirements have been complied with, it shall have the force of law. But if, during the said terms, Congress shall have suspended or closed the Sessions, the Bill must be published in the press and presented in the first three days of the next Session with the objections duly made. If within the space of nine days it is not published with the objections thereto, it shall have the force of law.

75. Bills which remain in abeyance, or are thrown out or objected to, will be published in the press, and the cause which has impeded their sanction must be stated.

76. Bills which go up to the Executive for sanction shall be sent in duplicate, both copies being signed by the Presidents and Secretaries of the Chambers, and bearing a statement of the days on which they were debated.

77. When the Executive finds that, with respect to any Bill, the provisions of Articles 68, 69, and 70 have not been duly complied with, he will return both copies before the third day to the Chamber

in which the omission has occurred, in order that, the omission being repaired, the said Bill may follow the Constitutional course; but in case no such omission is found he must sanction or disapprove it, and return to the Chamber from which it originated one of the two copies with the corresponding Decree.

78. If this Chamber has suspended its Sessions, the days of suspension will not be counted in the terms fixed by Article 77.

79. The intervention of the Executive Power is not necessary in Resolutions of Congress as to its removal to another place, the granting or withdrawing extraordinary powers, carrying out elections, receiving resignations and excuses, making regulations for its internal order, nor in such acts as may be executed by one of the Chambers alone.

80. Congress will employ on the laws which it issues the following formula: "The Congress of the Republic of the Equator decrees;" and the Executive Power will employ the following: "Let it be executed," or "Let it be objected to."

81. In the interpretation, modification, or abrogation of laws the same formalities will be observed as for their formation.

82. Laws only come into force by virtue of their promulgation.

83. They will be promulgated by the Executive Power within the six days following that on which they become law; and if at the end of that period he has not promulgated them, the Council of State will do so under the severest penalties, also within six days.

These periods may, however, be diminished or enlarged by the law itself, other special dates being fixed.

CHAPTER VII.—*Of the Executive Power.*

Section 1.—*Of the Chief of the State.*

84. The Executive Power is exercised by the President of the Republic of Equator. In case the Presidency is vacant, the post will be filled by—

- (1.) The Vice-President of the Republic;
- (2.) The last President of the Senate; and
- (3.) The last President of the Chamber of Deputies.

85. The election of President and Vice-President having taken place, the Congress will scrutinize the votes and will declare the candidate elected who has obtained the absolute majority, or failing that, the relative majority. In case of an equality of votes, the absolute majority of Congress will decide by secret voting, limited to those who have obtained an equal number of votes in the popular election. If there is a tie in the Congress, the election will be decided by lot.

86. The President and Vice-President of the Republic must be Equatorians by birth, and possess the other qualifications required of a Senator.

87. The posts of President and Vice-President of the Republic are vacated by death, destitution, resignation, physical and mental incapacity declared by Congress, and by the completion of the term fixed by the Constitution.

88. When the offices of President or Vice-President become vacant before the termination of a Constitutional period, the person charged with the Executive Power will make arrangements within the space of eight days for a new election to take place; such election will be concluded in the space of two months at the most. The individual elected in these cases will cease to hold office at the time when his predecessor would have given up office.

If only one year or less is wanting to the end of the Presidential period, the individual charged with the Executive Power will continue to exercise it until the conclusion of the said term. Nor shall a new election be proceeded with in the event of a similar occurrence with regard to the Vice-President, the duties being exercised by the last President of the Senate, or, failing him, by the President of the Chamber of Deputies.

89. The President and Vice-President of the Republic are appointed for four years. They may not be re-elected till the expiration of two periods from their period of office. It is also unlawful that during those two periods the President shall be elected Vice-President, or *vice versa*.

90. No relation in the second degree of consanguinity or the first degree of affinity of the person exercising the Executive Power shall be elected to replace him.

91. It is not lawful for the President of the Republic or the individual intrusted with the Executive Power to absent themselves from Equatorian territory, without the consent of Congress, whilst they are discharging their functions, or for one year afterwards.

92. The President and Vice-President of the Republic on taking possession of their posts shall make the following promise before Congress:—

“I, N. N., promise to discharge the duties imposed upon me as President of the Republic [or Vice-President] in accordance with the Constitution and the laws.”

93. If Congress is not sitting the President and the Vice-President shall make the Constitutional promise before the Supreme Court.

Section 2.—Of the Attributes and Duties of the Executive Power.

94. The following are the attributes and duties of the Executive Power :—

(1.) To sanction the Laws and Decrees of Congress, and to make for their execution such regulations as shall not interpret nor alter them ;

(2.) To comply with and carry out the Laws and Decrees, and cause his agents and the other officials to comply with and give effect to them ;

(3.) To convoke Congress at the ordinary period, and in Extraordinary Session when the public convenience requires it ;

(4.) To dispose of the armed forces for the defence of the nation, and for such other objects as the public service renders requisite ;

(5.) To appoint and remove the Diplomatic Agents in agreement with the Council of State, and, independently, the Ministers Secretaries of State, Governors of provinces, political Chiefs, parochial Lieutenants, and other officials, whose appointment and dismissal are not vested in any other authority by the Constitution or the laws ;

(6.) To direct diplomatic negotiations, conclude Treaties, ratify them, after Congress has approved them, and exchange the ratifications ;

(7.) To submit to Congress names for appointment as General Officers and Colonels ;

(8.) To appoint the other Chiefs and officers ;

(9.) To accept or refuse the resignation of their positions of Generals, Chiefs, and officers of the army, and to grant, in conformity with the law, certificates of retirement and of pensions ;

(10.) To issue ships' commissions ;

(11.) To declare war, when decreed by Congress, and make peace, with the approbation of the same ;

(12.) To watch over the strict observance of the law in the collection, administration, and expenditure of the national revenues ;

(13.) To take care that the Minister of the Treasury renders at the period and in the form determined by law, to the proper Tribunal, an account of the administration of the public funds, that this Tribunal may pass it, with its decision thereon, to Congress ;

(14.) To supervise the Department of Public Instruction, and all that relates to police, order, and security ;

(15.) To grant patents of property in cases provided for by Article 18 ;

(16.) To pardon, reduce, or commute, in conformity with the

law and with the limitations prescribed therein, the punishments imposed for crimes or offences. For the exercise of this attribute it is requisite (1) that it be preceded by the sentence which has caused the warrant of execution; (2) a report of the Judge or Tribunal which has passed the sentence; and (3) the consent of the Council of State;

This attribute shall never be exercised on behalf of an individual who has committed a crime or offence by order of the Government or against the National Exchequer;

(17.) To preserve internal order and watch over the external security of the Republic.

95. The President or the individual intrusted with the Executive Power may not violate the guarantees provided by this Constitution; delay the course of judicial proceedings; interfere with the freedom of the Judges; impede or influence the elections; dissolve the Legislative Chambers, nor suspend their Sessions; exercise the Executive Power when absent more than 40 kilom. from the capital of the Republic; nor admit foreigners into the army as Chiefs or officers without the permission of Congress.

96. He is answerable for treason against the Republic, or conspiracy against it; for infringement of the Constitution; for attempts against the other Powers; for interference with the meeting or deliberations of Congress; for refusing to sanction Laws and Decrees constitutionally passed; for exercising extraordinary powers without the permission of the Legislature or of the Council of State; for provoking war unjustly; and for the deprivation of any of the public officials of the payment of their salary.

97. The President of the Republic, or the individual intrusted with the Executive Power, will at the opening of the ordinary Sessions of the Congress lay a statement in writing before each Chamber, concerning the political and military condition of the nation, and of its income and resources, indicating the reforms and improvements of which each Department is in need.

98. In case of foreign invasion or internal commotion, the Executive will have recourse to Congress, should it be assembled, and, if not, to the Council of State, in order that, after seeing their report and appreciating the urgency, they concede or refuse, with such restrictions as they judge proper, all or part of the following powers:—

(1.) Increasing the army and navy, and establishing military authorities where they may be deemed necessary;

(2.) Ordering the anticipated collection of the taxes for not more than one year;

(3.) Negotiating voluntary loans or exacting forced loans, provided that the same are raised generally, proportionally, and bearing

the current rate of mercantile interest. These loans may be exacted only when it is impossible to meet expenses out of ordinary revenues, and it shall be necessary that the funds for the repayment of the same and the term within which they shall be paid shall be duly indicated;

(4.) Changing the situation of the capital when it is menaced or grave necessity demand it, until the menace cease;

(5.) In case of international war, the imprisonment of those suspected of favouring it, and also, after consent of the Council of State, of those suspected of taking part in conspiracy or internal commotion;

The imprisonment to be in the chief town of a canton or the capital of the province, and not in the territory of the Oriente or the Archipelago of Colon, and the prisoner not to be compelled to travel by unusual or indirect roads;

On the cessation of the extraordinary powers, the prisoner recovers his liberty, and may return without safe-conduct. Should the person suspected demand a passport to leave the country it will be granted him, and he will be at liberty to choose his route; and as soon as the extraordinary powers cease he will have the right of returning;

The preceding paragraphs do not prevent the person suspected from being tried and punished by the ordinary Tribunals for misdemeanour, provided he has not been amnestied or pardoned;

Should he be sentenced, the time of imprisonment will be taken into account;

(6.) The arrest of those suspected of favouring external invasion or internal disturbance, and of taking part in it; but within six days, at most, they must be taken before the competent Judge, with the evidence and other documents which have led to the arrest; or the imprisonment shall be decreed within the said six days;

(7.) In case of external war, the admission, in accordance with Treaties, of foreign auxiliary troops into the service of the Republic;

(8.) Temporarily closing and opening ports;

(9.) Disposing of the public funds, although they may be destined to other objects, with the exception of those intended for public instruction, railways, and charitable establishments.

99. The powers which are conceded to the Executive Power by the preceding Article will be limited to the time, place, and objects indispensable in order to re-establish the tranquillity or security of the Republic; all which will be indicated in the Decree of Concession. Of the use which he has made of these powers he will render an account to Congress at its next Session and within the first eight days.

As soon as the danger has ceased, the Council of State will declare, under its responsibility, that the extraordinary powers have ceased.

100. The Executive Power may not delegate these extraordinary powers to any one but the Governors of Provinces, and with the consent of the Council of State. The Governors, in this case, may not intern without the special order of the Executive Power.

The Executive Power and the authorities to whom he commits the execution of his mandates will be directly responsible for any abuses which may be committed.

The authorities referred to in the preceding paragraph are also responsible for the compliance with any orders which the Executive Power may give in excess of the powers intrusted to him.

Section 3.—*Of the Ministers Secretaries of State.*

101. There shall be five Secretaries of State exclusively nominated by the Executive. The Departments and functions of these Secretaries shall be determined by law.

102. For the position of Secretary of State the same requirements are necessary as for that of Senator.

103. All the Decrees, Orders, or Resolutions of the Executive Power shall be countersigned by the Minister of the branch to which they refer, and in case they are not they will have no value whatever, nor will they be obeyed by their agents, nor by any person or authority. The nominations and dismissals of the Secretaries of State themselves are excepted.

104. The Ministers Secretaries of State are responsible in the cases referred to in Articles 95 and 96, and, in addition, in cases of breach of the law, subornation, disturbance, and malversation of the public funds; for authorizing Decrees or Resolutions of the Executive Power issued without the consent or concurrence of the Council of State, when the Constitution and the Laws prescribe it; and for preventing the execution of Decrees, or not having watched over their due fulfilment. The verbal or written order of the Executive Power does not exonerate the Secretaries of State from their responsibility.

105. The Secretaries of State will render to the Legislative Chambers, with the concurrence of the Executive Power, the information and notices which may be demanded of them respecting matters in their respective Departments, with the exception of such as, in the opinion of the Executive, should be kept private; concerning these they will give information in secret Session.

106. The Ministers Secretaries of State will present to the Legislative Chambers, in the first six days of the ordinary Session, a

written statement of the position of affairs in their Departments, proposing the measures they may think desirable for their improvement. They may take part, without vote, in the discussions on the measures which the Executive presents to Congress, and they will be present whenever their presence is required by either Chamber.

107. The Secretary of the Treasury will also present to the ordinary Congress, in the first twenty days of its Session, a statement of the state of the National Exchequer and the Estimates for the following year.

Section 4.—*Of the Council of State.*

108. There will be in the capital of the Equator a Council of State, composed of the Vice-President of the Republic, the Ministers Secretaries of State, the Fiscal Minister of the Supreme Court, the President of the Tribunal of Accounts, the Rector of the Central University, two Senators, two Deputies, and two citizens who possess the same qualifications as those required for a Deputy. The Congress, in each annual Session, will elect the seven last named, who will be eligible for re-election without restriction. The Vice-President of the Republic will preside over the Council; in his absence the Fiscal Minister of the Supreme Court will take his place, and in his absence a Councillor appointed by the remainder.

109. During the recess of Congress it belongs exclusively to the Council of State—

(1.) To authorize the Executive, in conformity with paragraph 4 of Article 65, to raise voluntary loans in time of peace, provided that the same may be considered indispensable and proper for the Public Administration;

(2.) To prepare the impeachment of the Executive and the statements of complaint against the Ministers of the Supreme Court;

(3.) To grant or refuse to the Executive Power the extraordinary faculties, referred to in Article 98, and to withdraw them;

(4.) To fill the vacancies amongst the Councillors of State, except those of the Vice-President of the Republic, and the Secretaries of State;

(5.) To exercise the other attributes prescribed by this Constitution and the laws.

In the first three cases, and when the question is one of imprisonment or confinement, the Secretaries of State will merely have an informal vote, and when all the Secretaries are present, the sitting shall not be opened with less than eleven Councillors.

110. The President of the Republic, or the individual intrusted

with the Executive Power, must take the opinion of the Council of State as to giving his sanction or not to the Bills and other Legislative Acts, passed by Congress; to convoking Congress in Extraordinary Session; to soliciting from Congress the authorization necessary to enable him to declare war; and in the other cases prescribed by the Constitution and the laws, or in which the Executive deems it advisable to consult the Council whether he be in agreement with its decision or not.

CHAPTER VIII.—*Of the Judicial Power.*

111. The judicial power is exercised by the Supreme Court, the Superior Courts, the Magistracy, and such other Tribunals and Courts as may be established by the Constitution and by law.

112. To hold the position of Minister of the Supreme Court the following requirements are necessary: to be an Equatorian in the exercise of the rights of citizenship, to be 35 years of age, and to have exercised the profession of advocate in the Republic for eight years, and with good credit.

113. To hold the position of Minister of the Superior Courts the following requirements are necessary: to be an Equatorian in exercise of the rights of citizenship, to be 30 years of age, and to have practised in the Republic the profession of advocate for five years with good credit.

114. The Congress will elect, by an absolute majority of votes, the Ministers of the Supreme Court, and of the Superior Courts of Justice, and of the Judges of the Court of Exchequer. If Congress is not sitting, the Supreme Court will consider the excuses and resignations of its members and of those of the Superior Courts, and will elect provisionally members to replace them. The Court of Exchequer will have the same power with respect to its Judges.

115. The law will determine the number of members of the Supreme Court, the Superior Courts, and the Court of Exchequer; the province or provinces over which their jurisdiction extends; and their functions. It will also determine the functions of Courts of First Instance, the method in which their Judges are to be nominated, and the length of time for which they are appointed.

116. The Ministers of the Supreme Court may assist at the debates on the measures presented by the Court to Congress.

117. In no action shall there be more than three trials. The Tribunals and Courts which are not Courts of Investigation will always deliver their Judgments.

118. The Judges and Magistrates are responsible for their conduct in the exercise of their functions in the manner settled by law. They may not be suspended from their office unless a pro-

secution be instituted against them, nor may they be deprived of their office except by virtue of a judicial sentence.

119. The Judges of the Supreme Court, of the Court of Exchequer, and of the Superior Courts, will hold office for six years, and will be eligible for re-election without any restriction, but they are prohibited from accepting any other public appointment during their period of office.

CHAPTER IX.—*Of the Administrative Government of the Interior.*

120. The territory of the Republic is divided into provinces, cantons, and parishes.

121. In each province there will be a Governor; in each canton a political Chief; and in each parish, a Lieutenant. The law will fix their functions.

122. For the administration of sectional (small districts) interests there will be Municipalities. The law will determine their organization and functions in all concerning the education and instruction of the inhabitants of the locality; the police; material improvements; the creation, collection, management, and expenditure of the funds; the support of public establishments; and other objects under their control.

123. No Municipal Decrees shall be put in force in so far as they are opposed to the Constitution and the law; and in case any question arises as to this between the Municipality and the political authority, it will be decided by the Supreme Court.

124. The Province of Oriente, the Archipelago of Colon, and, generally, any places which, owing to their isolation and distance, cannot be ruled by the ordinary laws, will be subject to special laws.

CHAPTER X.—*Of the armed Forces.*

125. For the defence of the Republic and the preservation of internal order, there will be a military force organized in conformity with law.

126. The military authority and jurisdiction will only be exercised over persons purely military on active service.

127. Neither the President of the Republic, nor any other authority, can of his own responsibility recognize or appoint more Generals or Colonels than those who have been or may be approved in an express and individual manner by Congress or the Constituent Assembly.

128. Neither the President of the Republic, nor any other authority, may, without rendering himself liable, recognize or

appoint any but the Chiefs and officers whose ranks have been conferred or approved, or may be conferred or approved, by a Constitutional Government.

129. Neither will Congress confer a rank superior to that of General, nor approve those of General and Colonel, without examination of their respective records of service.

130. The armed force is essentially obedient, not deliberative; but the military authorities may not execute orders having for their object attempts against the high national authorities, or such as are manifestly contrary to the Constitution.

131. No armed force shall levy, requisition, or demand assistance of any description, except of the civil authorities and in the form and manner prescribed by law.

CHAPTER XI.—*Of the Supremacy of the Constitution.*

132. The Constitution is the supreme law of the Republic, and whatever secondary Laws, Decrees, Regulations, Orders, dispositions, or public Treaties which may be in contradiction to it, or which may be in themselves a departure from its text, shall be null and void.

CHAPTER XII.—*General Provisions.*

133. The Treasury shall incur no liability for which Congress has not appropriated the corresponding sum, nor to a greater amount than that fixed.

134. No one individual or corporation may exercise at the same time political and military or judicial authority.

135. Every official on entering into his employment will promise to sustain and defend the Constitution, and to fulfil the duties which that imposes on him.

Such person as will not voluntarily make this promise shall not be permitted to enter into the discharge of his functions.

136. No one will receive two salaries from the National Treasury.

137. The system of primogeniture and all manner of entail is prohibited, and real property in Equator may not be alienated.

138. The Public Powers shall afford protection to the Indian race, and shall ameliorate its condition in the social scale.

CHAPTER XIII.—*Of the Reform of the Constitution.*

139. The Constitution may not be reformed before the expiration of four years. That period having terminated it shall be in the

power, at any time, of two-thirds of each of the Chambers in an ordinary Legislature, if it is considered convenient to amend any one or more of its Articles, to propose such amendment at the next ordinary Legislature; if it is thus accepted by an absolute majority in each of the Chambers, proceeding in conformity with the provisions of section 6 of Chapter VI, the reform shall be valid and shall form part of the Constitution.

CHAPTER XIV.—*Temporary Provisions.*

140. The Assembly may, even after this Constitution has been promulgated, make the Laws and Resolutions considered necessary, and may exercise all the other attributes contained in Article 65.

141. The Convention will elect, by secret scrutiny and by an absolute majority of votes, the President and Vice-President of the Republic, the Councillors of State, the Ministers of the Supreme Court, Judges of the Court of Exchequer, and of the Superior Courts, the Rector of the Central University, and the Rectors of the Universities of Guayas and Azuay.

In place of the two Senators and Deputies referred to in Article 108 it will appoint four of its members as Councillors of State.

142. Pending the promulgation of the Law for the regulation of the Internal Administration, the Executive Power shall have the faculty of determining and indicating the Departments of each of the Ministers of State and the functions belonging to the same.

143. The President and Vice-President of the Republic who are elected in conformity with Article 141 shall terminate their functions on the 31st August, 1901, and the 31st August, 1899, respectively. These officials, as well as the Judges of the Tribunals of Justice and the Senators and Deputies, shall enjoy the salary fixed by the Budget Law passed by the National Assembly.

144. The first ordinary Congress will meet on the 10th August, 1898.

Given at Quito, the capital of the Republic of the Equator, on the 12th January, 1897.

MANUEL B. CUEVA, *President of the Assembly.*

ABELARDO MONCAYO, *Vice-President.*

[Here follow the signatures of the Deputies.]

LUCIANO CORAL, *Secretary.*

CELIANO MONGE, *Secretary.*

Palace of Government, Quito, 14th January, 1897.

Let it be promulgated and circulated.

Given and signed by my hand, sealed with the great seal of the

Republic, and countersigned by the Minister of State for the Interior.

(L.S.) ELOY ALFARO.

RAFAEL GÓMEZ DE LA TORRE, *Minister of the Interior.*

*CONVENTION between Chile and Equator, on the subject of
Medical Diplomas.—Signed at Quito, April 9, 1897.*

[Ratifications exchanged at Quito, April 27, 1899.]

(Translation.)

IN the city of Quito, on the 9th day of the month of April, 1897, his Excellency the Minister for Foreign Affairs of Equator, Dr. Don Belisario Alban Mestanza, and his Excellency the Envoy Extraordinary and Minister Plenipotentiary of Chile, Don Beltran Mathieu, with a view to strengthen the bonds of loyal friendship happily subsisting between the two Republics, have, as duly authorized by their respective Governments, signed the following Convention:—

ART. I. Lawyers, doctors, surgeons, apothecaries, engineers, and land surveyors admitted to the Tribunals of Justice, Universities, and other scientific Corporations of Chile shall be free to exercise their profession in the territory of the Republic of Equator, and, in the same way, those who may have obtained their diploma in Equator shall be able to use the same in Chile, without any requirement other than that of proving the genuineness of the diploma and the identity of the person.

II. The authenticity of the diploma shall be shown by the legalization effected in the usual form, and the identity of the person by a certificate issued by the Legation, or in default of a Legation, by the Consulate of the country whose authorities granted the diploma in question.

III. These formalities having been complied with, the Corporations or public functionaries to whom the faculty is assigned by the laws of either country to grant the respective diplomas shall give to the interested party the necessary authorization for the exercise of his profession.

IV. This Convention shall take effect from the day of the exchange of ratifications, and shall remain in force until it shall be abrogated by mutual consent of the Contracting Parties, or until one of them shall express to the other, twelve months in advance, their desire that the Convention cease to take effect.

V. The present Convention shall be ratified, and the ratifications exchanged at Quito or Santiago, as soon as may be found possible.

In faith whereof the respective Plenipotentiaries have signed the Convention in duplicate, and have affixed thereunto their seals.

(L.S.) B. ALBAN MESTANZA.

(L.S.) B. MATHIEU.

AGREEMENT between Germany and Peru, respecting the position of German Consuls in Peru and of Peruvian Consuls in Germany.—Signed at Lima, June 28, 1897.

[Ratifications exchanged at Lima, June 15, 1899.]

(Translation.)

A MEETING having taken place between the undersigned Otto G. Zernbsch, Minister-Resident of the German Empire, and Enrique de la Riva-Agüero, Peruvian Minister for Foreign Affairs, the former stated as follows :—

That the present position of German Consular officers in Peru, and of Peruvian Consular officers in Germany, is not completely regulated, because the two States have not concluded any Consular Convention, or other Treaty taking its place, and that this state of things is calculated to hamper the said officials in the exercise of their duties ;

That in his opinion the interests of both countries, as properly understood, demand that, without prejudice to the discussion of the project for a Treaty of Friendship, Commerce, and Navigation which he had had the honour to present, and which includes the question of Consular representation, the question of the Consular Service should meanwhile be regulated, as the progress of such discussion must, from its nature, be slow ;

That, with this object, and having obtained the necessary authority, he hereby proposes, in the name of his Government, to make the following declaration, as has previously been done in analogous cases :

“German Consular officers of all grades in Peru, and Peruvian Consular officers of all grades in Germany, shall enjoy the same attributes, exemptions, and prerogatives in the State in which they reside as have been or will be granted to the most favoured nation, so long as no express Treaty has been concluded upon the subject between the two States, and has come legally into force.”

The Minister for Foreign Affairs stated that he recognized the utility of the above declaration, and accepted it in the name of his Government, and the Undersigned consequently agreed to record it in the present Protocol, on the understanding that it shall be operative only from the date on which it shall be ratified by a special Act, in conformity with the laws of the respective States.

The Undersigned likewise agreed that in the event of the ceasing of any Treaty or Convention which might serve in either country as a rule for the application of the present declaration while this Agreement is in force, this Agreement shall *ipso facto* cease to be operative in reference to such Convention.

Done in duplicate, in German and Spanish, at Lima, the 28th day of June, 1897.

(L.S.) ZEMBSCH.

(L.S.) E. DE LA RIVA-AGÜERO.

CONSTITUTION FÉDÉRALE de la Confédération Suisse
*du 29 Mai, 1874.**

(Avec les modifications survenues jusqu'à fin 1897.)†

ARTICLE 24. La Confédération a le droit de haute surveillance sur la police des endiguements et des forêts.‡

Elle concourra à la correction et à l'endiguement des torrents, ainsi qu'au reboisement des régions où ils prennent leur source. Elle décrètera les mesures nécessaires pour assurer l'entretien de ces ouvrages et la conservation des forêts existantes.

Article 69 *bis*.§ La Confédération a le droit de légiférer—

(a.) Sur le commerce des denrées alimentaires;

(b.) Sur le commerce d'autres articles de ménage et objets usuels en tant qu'ils peuvent mettre en danger la santé ou la vie.

L'exécution des lois édictées dans ces domaines a lieu par les cantons sous la surveillance et avec l'appui financier de la Confédération.

Le contrôle sur l'importation à la frontière nationale appartient à la Confédération.

* Vol. LXX, page 1325.

† For previous modifications to the year 1893, see Vol. LXXXV, page 485.

‡ Alinéa modifié. Adopté à la votation populaire du 11 Juillet, 1897.

§ Adopté à la votation populaire du 11 Juillet, 1897.

*TREATY of Friendship, Commerce, and Navigation between the United Kingdom and the Republic of Honduras.—Signed at Guatemala, January 21, 1887.**

[Ratifications exchanged at Guatemala, February 3, 1900.]†

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and his Excellency the President of the Republic of Honduras, being desirous of maintaining and strengthening friendly relations, and of promoting commercial intercourse between the dominions of Her Britannic Majesty and the territories of the Republic, have resolved to conclude a Treaty of Friendship, Commerce, and Navigation, and have named as their Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, James Plaister Harriiss-Gastrell, Esq., Her Britannic Majesty's Minister Resident and Consul-General to the Republic of Honduras ;

* Signed also in the Spanish language.

† On the 3rd February, 1900, the following Protocol was signed, in English and Spanish, explanatory of certain provisions of this Treaty :—

Protocol.

The undersigned Plenipotentiaries of the High Contracting Parties to the Treaty of Friendship, Commerce, and Navigation signed between the United Kingdom of Great Britain and Ireland and the Republic of Honduras on the 31st day of January, 1887, being duly authorized thereto, have agreed as follows :—

1. The stipulations of the said Treaty shall not be applicable to any of the Colonies or foreign possessions of Her Britannic Majesty, unless notice to that effect shall have been given on behalf of any such Colony or foreign possession by Her Britannic Majesty's Representative accredited to the Republic of Honduras to the Honduranian Minister for Foreign Affairs within one year from the date of the exchange of ratifications of the said Treaty.

2. Her Majesty's Government may in the same manner give notice of accession on behalf of any British Protectorate or sphere of influence, or on behalf of the Island of Cyprus, in virtue of the Convention of the 4th June, 1878, between Great Britain and Turkey.

3. Her Majesty's Government shall also have the right to separately terminate the Treaty at any time on giving twelve months' notice to that effect on behalf of any British Colony, foreign possession, or dependency which may have acceded thereto.

4. It is understood that in all cases in which the provisions of the said Treaty accord the treatment of the most favoured nation, that term shall not be held to include the Central American Republics.

5. The stipulations of the said Treaty will be applicable to India, including
[1896-97. LXXXIX.] 4 C

And his Excellency the President of the Republic of Honduras his Excellency Dr. Don Jerónimo Zelaya, Envoy Extraordinary and Minister Plenipotentiary ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :—

ART. I. The High Contracting Parties agree that, in all matters relating to commerce and navigation, any privilege, favour, or immunity whatever which either Contracting Party has actually granted or may hereafter grant to the subjects or citizens of any other State shall be extended immediately and unconditionally to the subjects or citizens of the other Contracting Party, it being their intention that the trade and navigation of each country shall be placed in all respects by the other on the footing of the most favoured nation.

II. The produce and manufactures of, as well as all goods coming from, the dominions and possessions of Her Britannic Majesty, which are imported into Honduras, and the produce and manufactures of, as well as all goods coming from, Honduras, which are imported into the dominions and possessions of Her Britannic Majesty, whether intended for consumption, warehousing, re-exportation, or transit, shall be treated in the same manner as, and, in particular, shall be subjected to no higher or other duties, whether general, municipal, or local, than the produce, manufactures, and goods of any third country the most favoured in this respect. No other or higher duties shall be levied in Honduras on the exportation of any goods to the dominions and possessions of Her Britannic Majesty, or in the dominions and possessions of Her Britannic Majesty on the exportation of any goods to Honduras, than may be

the territories of any native Prince or Chief in India under the suzerainty of the British Government, subject to the following reservations :

(1.) The Government of India reserve the discretionary power to prevent any foreigner from residing or sojourning in, or travelling through, India, as above defined, without their consent ;

(2.) In regard to the native States of India, the rights of citizens of the Republic of Honduras, under Articles I and IV of the said Treaty are subject to the same limitations as those which are, or may be, in force as regards the European British subjects ;

(3.) The right to appoint Consuls under Article IX of the said Treaty shall in India, be restricted to the seaport towns of the provinces under the direct administration of the Government of India.

Done in duplicate, at Guatemala, this 3rd day of February, in the year of our Lord 1900.

(L.S.) G. JENSEN

(L.S.) J. PADILLA

levied on the exportation of the like goods to any third country the most favoured in this respect.

Neither of the Contracting Parties shall establish a prohibition of importation, exportation, or transit against the other which shall not, under like circumstances, be applicable to any third country the most favoured in this respect.

In like manner, in all that relates to local dues, Customs formalities, brokerage, patterns, or samples introduced by commercial travellers, and all other matters connected with trade, British subjects in Honduras, and Honduranian citizens in the dominions and possessions of Her Britannic Majesty, shall enjoy most-favoured-nation treatment.

In the event of any changes being made in Honduranian laws, Customs tariff, or regulations, sufficient notice shall be given in order to enable British subjects to make the necessary arrangements for meeting them.

III. British ships and their cargoes shall, in Honduras, and Honduranian vessels and their cargoes shall, in the dominions and possessions of Her Britannic Majesty, from whatever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as national ships and their cargoes.

The preceding stipulation applies to local treatment, dues, and charges in the ports, basins, docks, roadsteads, harbours, and rivers of the two countries, pilotage, and generally to all matters connected with navigation.

Every favour or exemption in these respects, or any other privilege in matters of navigation which either of the Contracting Parties shall grant to a third Power, shall be extended immediately and unconditionally to the other Party.

All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to the law of Honduras, are to be deemed Honduranian vessels, shall, for the purpose of this Treaty, be respectively deemed British or Honduranian vessels.

IV. The subjects or citizens of each of the Contracting Parties shall be permitted to reside permanently or temporarily in the dominions or possessions of the other, and to occupy and hire houses and warehouses for purposes of commerce, whether wholesale or retail. They shall also be at full liberty to exercise civil rights, and therefore to acquire, possess, and dispose of every description of property movable and immovable. They may acquire and transmit the same to others, whether by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, and in any other manner, under the same conditions, as natives of the

country. Their heirs and legal representatives may succeed to and take possession of it, either in person or by procurators, in the same manner and in the same legal forms as natives of the country.

In none of these respects shall they pay upon the value of such property any other or higher impost, duty, or charge than is payable by natives of the country. In every case the subjects or citizens of the Contracting Parties shall be permitted to export their property, or the proceeds thereof if sold, freely and without being subjected on such exportation to pay any duty different from that to which natives of the country are liable under similar circumstances.

V. The dwellings, manufactories, warehouses, and shops of the subjects or citizens of each of the Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected. Except under the conditions and with the forms prescribed by the laws for natives of the country, such dwellings and premises shall be exempt from search or domiciliary visits, and books, papers, or accounts shall be exempt from examination or inspection.

The subjects or citizens of each of the two Contracting Parties in the dominions and possessions of the other shall have free access to the Courts of Justice for the prosecution and defence of their rights, without other conditions, restrictions, or taxes beyond those imposed on natives of the country, and shall, like them, be at liberty to employ, in all causes, their advocates, attorneys, or agents from among the persons admitted to the exercise of those professions according to the laws of the country.

VI. The subjects or citizens of each of the Contracting Parties in the dominions and possessions of the other shall be exempted from billeting and from all compulsory military service whatever, whether in the army, navy, or national guard or militia. They shall likewise be exempted from all contributions, whether pecuniary or in kind, imposed as a compensation for billeting and for personal service, and, finally, from forced loans and military exactions or requisitions of any kind.

VII. The subjects or citizens of either of the two Contracting Parties residing in the dominions and possessions of the other shall enjoy, in regard to their houses, persons, and properties, the protection of the Government in as full and ample a manner as native subjects or citizens.

In like manner the subjects or citizens of each Contracting Party shall enjoy in the dominions and possessions of the other full liberty of conscience, and shall not be molested on account of their religious belief; and such of those subjects or citizens as may be

in the territories of the other Party shall be buried in the public cemeteries, or in places appointed for the purpose, with suitable decorum and respect.

The subjects of Her Britannic Majesty residing within the territories of the Republic of Honduras shall be at liberty to exercise in private and in their own dwellings, or within the dwellings or offices of Her Britannic Majesty's Minister, Consuls, or Vice-Consuls, or in any public edifice set apart for the purpose, their religious rites, services, and worship, and to assemble therein for that purpose without hindrance or molestation. The same stipulations shall be observed in regard to the citizens of the Republic of Honduras within the territories of Her Britannic Majesty.

VIII. The subjects or citizens of each of the Contracting Parties shall have, in the dominions and possessions of the other, the same rights as natives, or as subjects or citizens of the most favoured nation, in regard to patents for inventions, trade-marks, and designs, and the protection of industrial property, upon fulfilment of the formalities prescribed by law.

IX. Each of the Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents to reside respectively in towns or ports in the dominions and possessions of the other Power. Such Consular officers, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent. They shall exercise whatever functions, and enjoy whatever privileges, exemptions, and immunities are, or may hereafter be, granted there to Consular officers of the most favoured nation.

X. In the event of any subject or citizen of either of the two Contracting Parties dying without will or testament, in the dominions and possessions of the other Contracting Party, the Consul-General, Consul, or Vice-Consul of the nation to which the deceased may belong, or, in his absence, the representative of such Consular officer may, so far as the laws of each country will permit, take charge of the property which the deceased shall have left, for the benefit of his legal representatives, until an executor or administrator be named.

XI. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties residing in the dominions and possessions of the other shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

XII*. Any ship of war or merchant-vessel of either of the Contracting Parties which may be compelled by stress of weather,

* See Protocol, page 1128.

or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to continue their voyage, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandize in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting Parties should run aground or be wrecked within the territory of the other, such ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including any which may have been cast out of the ship, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Honduranian Consul-General, Consul, Vice-Consul, or Consular Agent in whose district the wreck or stranding may have taken place, upon being claimed by him within the period fixed by the laws of the country; and such Consuls, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all duties of Customs, unless cleared for consumption, in which case they shall pay the same rate of duty as if they had been imported in a national vessel.

In the case either of a vessel being driven in by stress of weather, run aground, or wrecked, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorized to interpose in order to afford the necessary assistance to their fellow-countrymen.

XIII. For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of the Republic of Honduras, it is agreed that if at any time any interruption of friendly intercourse, or any rupture, should unfortunately take place between the two Contracting Parties, the subjects or citizens of either of the said Contracting Parties who may be residing in the dominions or territories of the other, or who may be established there, in the exercise of any trade or special employment shall have the privilege of remaining and continuing such trade or employment, without any manner of interruption, in full enjoyment of their

liberty and property, so long as they behave peacefully and commit no offence against the laws; and their goods, property, and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like goods, property, and effects belonging to native subjects or citizens. Should they, however, prefer to leave the country, they shall be allowed to make arrangements for the safe keeping of their goods, property, and effects, or to dispose of them, and to liquidate their accounts; and a safe conduct shall be given them to embark at the ports which they shall themselves select.

XIV.* The stipulations of the present Treaty shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws permit, excepting to those hereinafter named, that is to say, except to—

India,
The Dominion of Canada,
Newfoundland,
New South Wales,
Victoria,
South Australia,
Western Australia,
Queensland,
Tasmania,
New Zealand,
The Cape,
Natal.

Provided always that the stipulations of the present Treaty shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Majesty's Representative in the Republic of Honduras to the Honduranian Minister for Foreign Affairs within two years from the date of the exchange of the ratifications of the present Treaty.

The Treaty shall apply in the case of such Colonies or foreign possessions from the date when this notice is given to the Honduranian Minister for Foreign Affairs.

XV. Any controversies which may arise respecting the interpretation or the execution of the present Treaty, or the consequences of any violation thereof, shall be submitted, when the means of settling them directly by amicable agreement are exhausted, to the decision of Commissions of Arbitration, and the result of such arbitration shall be binding upon both Governments.

* See Protocol of February 3, 1900, page 1121.

The members of such Commissions shall be selected by the two Governments by common consent; failing which each of the Parties shall nominate an Arbitrator, or an equal number of Arbitrators, and the Arbitrators thus appointed shall select an Umpire.

The procedure of the arbitration shall in each case be determined by the Contracting Parties; failing which the Commission of Arbitration shall be itself entitled to determine it beforehand.

XVI. The present Treaty shall continue in force during ten years, counted from the day of the exchange of the ratifications; and in case neither of the two Contracting Parties shall have given notice twelve months before the expiration of the said period of ten years of their intention of terminating the present Treaty, it shall remain in force until the expiration of one year from the day on which either of the Contracting Parties shall have given such notice.

XVII. The present Treaty shall be ratified by Her Majesty the Queen of Great Britain and Ireland and by his Excellency the President of the Republic of Honduras, and the ratifications shall be exchanged at Tegucigalpa or Guatemala as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Guatemala, the 21st day of January, 1887.

(L.S.) J. P. H. GASTRELL

(L.S.) JERÓNIMO ZELAYA

PROTOCOL.

THE undersigned Plenipotentiaries of the High Contracting Parties, in proceeding to the signature this day of the Treaty of Friendship, Commerce, and Navigation, between the United Kingdom of Great Britain and Ireland and the Republic of Honduras, do hereby declare that by the words "a port" in Article XII (first paragraph), as regards vessels in distress, is intended "a port or roadstead of any kind, whether or not it be a port of entry." It is likewise understood between the undersigned Plenipotentiaries that British subjects, in like manner as Honduran citizens, shall pay the same municipal taxes, such as the tax on places of business in Honduras.

Done in duplicate at Guatemala, this 21st day of January, 1887.

(L.S.) J. P. H. GASTRELL

(L.S.) JERÓNIMO ZELAYA

DECREE of the Government of Costa Rica, amending the Constitution in relation to the Presidential Term and Re-election of the President.—San José, May 12, 1897.*

(Translation.)

THE Constitutional Congress of the Republic of Costa Rica,

Upon the unanimous initiative of the municipalities of the Republic, in virtue of the powers contained in Article 134 of the Constitution, and in compliance with the formalities laid down therein,

Decrees:

The following Constitutional reform:—

Sole Article.—Article 97 of the Political Constitution of the Republic shall be modified as follows:—

The Presidential term in the Republic shall be for four years, and the said functionary may be elected for one succeeding term. Subsequent re-elections can only be held after the lapse of at least one term.

Given at the Chamber of National Congress, San José, on the 12th day of May, 1897.

PERDRO L. PAEZ, *President of the Congress.*

PROTOCOL between Great Britain and Japan, providing for the Accession of Queensland to the Commercial Treaty of July 16, 1894.—Signed at Tôkiô, March 16, 1897.

WHEREAS Queensland, a Colony of Her Britannic Majesty, has this day, in due form, acceded to the Treaty of Commerce and Navigation between Japan and Great Britain, signed in London on the 16th day of the 7th month of the 27th year of Meiji (July 16, 1894),† in accordance with the provisions of Article XIX thereof;

The Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary and His Imperial Japanese Majesty's Minister of State for Foreign Affairs, duly authorized thereto by their respective Governments, have agreed:—

1. That the stipulations contained in Articles I and III of the above-named Treaty shall not in any way affect the laws, ordinances, and regulations with regard to trade, the immigration of labourers

* December 7, 1871. Vol. LXIII, page 294.

† Vol. LXXXVI, page 39.

and artisans, police, and public security, which are in force or may hereafter be enacted in Japan or in the said Colony of Queensland.

2. That the said Treaty shall cease to be binding, as between Japan and the said Colony of Queensland, at the expiration of twelve months after notice shall have been given on either side of a desire to terminate the same.

In witness whereof the Undersigned have signed the present Protocol, and affixed thereto their seals.

Done at Tôkiô, this 16th day of the 3rd month of the 30th year of Meiji (March 16, 1897).

(L.S.) ERNEST SATOW.

(Seal and Signature of Minister for Foreign Affairs of Japan.)

DECREE of the President of the French Republic, reorganizing the Judicial Administration of the Islands to the Leeward of Tahiti.—Havre, September 17, 1897.

LE Président de la République Française,

Sur le rapport du Ministre des Colonies et du Garde des Sceaux,
Ministre de la Justice et des Cultes ;

Vu l'Article 18 du Sénatus-Consulte du 3 Mai, 1854 ;

Vu les Lois, Ordonnances, et Décrets qui ont successivement promulgué ou modifié dans les établissements Français de l'Océanie la législation civile, commerciale, et criminelle en vigueur dans la Métropole et en Nouvelle-Calédonie ;

Vu les Décrets du 18 Août, 1868 (deux), sur l'organisation judiciaire promulgués par Arrêté du 16 Mars, 1869 ;

Vu le Décret du 28 Novembre, 1866, sur l'organisation judiciaire ;

Vu les Décrets du 1^{er} Juillet, 1880 (deux), sur la réorganisation judiciaire ;

Vu le Décret du 4 Février, 1890, sur le serment professionnel des Magistrats aux Colonies ;

Décète :

ART. 1^{er}. Il est institué à Raiatea un Tribunal de Paix à compétence étendue, composé d'un Juge, d'un Greffier, et d'un officier du Ministère Public, qui sont choisis par le Gouverneur des Établissements Français de l'Océanie, parmi les officiers, fonctionnaires, et agents en service dans la Colonie.

2. La juridiction du Juge de Paix de Raiatea s'étend sur les Iles de Tahaa, de Huahine, et de Borabora et dépendances.

Des audiences foraines sont tenues par ce Magistrat à Huahine et à Borabora aux dates fixées par le Gouverneur.

3. Les Lois, Ordonnances, et Décrets en vigueur dans les Établissements Français de l'Océanie, en tout ce qui n'est pas contraire au présent Décret, et sauf l'exception spécialement prévue ci-après (Article 11) pour les indigènes des Iles Sous-le-Vent non citoyens Français, régissent toutes les conventions et toutes les contestations civiles et commerciales, ainsi que les crimes, délits, et contraventions.

Dans toutes les affaires entre indigènes, et entre Européens ou assimilés et indigènes, le Juge de Paix est assisté d'un Assesseur indigène ayant voix consultative.

4. En matière civile et commerciale, la Justice de Paix à compétence étendue des Iles Sous-le-Vent s'étend :

(1.) En premier et dernier ressort, à toutes affaires personnelles — mobilières ou immobilières — jusqu'à concurrence de 1,000 fr. de valeur déterminée ;

(2.) En premier ressort seulement et à charge d'appel devant le Tribunal Supérieur de Papeete, à toutes les affaires excédant 1,000 fr. de valeur déterminée.

5. En matière criminelle, le Tribunal des Iles Sous-le-Vent connaît :

(1.) En premier et en dernier ressort, de toutes les contraventions au Juge de Simple Police, telles qu'elles sont définies par le Code Pénal et le Code d'Instruction Criminelle, ainsi que des contraventions prévues par les Arrêtés et Règlements Locaux.

Toutefois, les jugements en matière de police pourront être attaqués par la voie de l'appel devant le Tribunal lorsqu'ils prononceront un emprisonnement ou lorsque les amendes, restitutions, et autres réparations civiles excéderont la somme de 20 fr., outre les dépens ;

(2.) En premier ressort, des affaires correctionnelles en général, à charge d'appel devant le Tribunal Supérieur de Papeete.

6. Les jugements en dernier ressort rendus en toutes matières par le Tribunal de Paix des Iles Sous-le-Vent pourront être attaqués par la voie de l'annulation.

7. Le Tribunal de Paix de Raiatea se conforme en matière civile et commerciale à la procédure suivie devant le Tribunal de Première Instance de Papeete.

8. Le jugement des crimes commis aux Iles Sous-le-Vent, sous la réserve contenue à l'Article 11, est déféré au Tribunal Criminel de Papeete. L'Ordonnance de renvoi est rendue par le Procureur de la République, Chef du Service Judiciaire.

9. Les formes de la procédure, ainsi que celle de l'appel devant le Tribunal Criminel, sont celles en date du 22 novembre, 1866.

10. Le serment du Juge des Lés-Bonnes-Voies, sera le même que devant le Tribunal Supérieur de Pépée. Le Greffier sera aussi devant le Juge de Paix.

11. Toute les contestations en matière civile ou commerciale, même les contestations en matière de l'impôt, seront jugées par le Juge de Paix. Les Tribunaux Français seront compétents pour les contestations en matière de l'impôt, même les contestations en matière de l'impôt, même les contestations en matière de l'impôt.

12. Les tribunaux judiciaires des Pays-Bas seront compétents pour les contestations en matière de l'impôt, même les contestations en matière de l'impôt, même les contestations en matière de l'impôt.

13. Les tribunaux judiciaires des Pays-Bas seront compétents pour les contestations en matière de l'impôt, même les contestations en matière de l'impôt, même les contestations en matière de l'impôt.

14. Les tribunaux judiciaires des Pays-Bas seront compétents pour les contestations en matière de l'impôt, même les contestations en matière de l'impôt, même les contestations en matière de l'impôt.

15. Les tribunaux judiciaires des Pays-Bas seront compétents pour les contestations en matière de l'impôt, même les contestations en matière de l'impôt, même les contestations en matière de l'impôt.

16. Les tribunaux judiciaires des Pays-Bas seront compétents pour les contestations en matière de l'impôt, même les contestations en matière de l'impôt, même les contestations en matière de l'impôt.

FIN.

Par le Président du Tribunal
Juge des Lés-Bonnes-Voies
Greffier
Juge de Paix

Si mes vœux les plus chers, ainsi que ceux du peuple Néerlandais, sont exaucés, ma fille bien aimée assumera, à la fin de cette Session, les rênes du Gouvernement.

La situation générale, tant dans la mère patrie que dans les Colonies, est satisfaisante à beaucoup d'égards.

Il est à constater un développement dans le commerce et l'industrie.

La récolte de plusieurs produits a été bonne aux Pays-Bas. D'autre part, l'épizootie parmi le bétail, et les prohibitions d'importation à l'étranger qui en sont résultées, ont causé beaucoup de pertes.

L'industrie sucrière à Java a à lutter contre bien de difficultés.

Les relations avec les Puissances étrangères continuent à être des plus amicales.

Les armées de terre et de mer s'acquittent de leur tâche avec zèle et entrain.

Je rends de grand cœur hommage au courage et à la persévérance de l'armée des Indes Néerlandaises, vaillamment secourue par la flotte, et je déplore les sacrifices que nous impose la tâche d'établir notre autorité à Atjeh sur une base solide, en vue du maintien de l'ordre et de la paix.

Des travaux importants vous attendent dans cette Session.

J'espère vous soumettre à bref délai un projet de loi abolissant le remplacement militaire en attendant la réforme ultérieure de notre armée.

Il vous sera proposé de concentrer tous les services regardant les intérêts agricoles dans un seul Ministère.

Des projets de loi vous seront soumis, réglant la situation des enfants et des adolescents tant au point de vue de la défense de leurs intérêts que de la juridiction pénale qui leur sera imposée, réglant l'instruction obligatoire, et instituant l'assurance légale des ouvriers contre les suites d'accidents dans certains métiers.

Je vous soumettrai aussi prochainement un projet de loi pour l'exploitation des mines aux Indes-Néerlandaises, et un autre concernant les droits d'exportation sur les sucres.

Les projets de loi concernant le droit militaire pénal et la discipline vous seront présentés de nouveau.

Des projets de loi tendant à l'amélioration de certains états sociaux, notamment en ce qui regarde les questions des logements, du travail, et de l'assistance publique, sont à l'étude.

Je fais examiner les moyens d'augmenter les revenus de l'État par un remaniement du tarif des droits d'entrée, tout en maintenant les principes actuellement en vigueur.

J'ai toute confiance dans votre zèle et votre dévouement, en vue de vous acquitter de la lourde tâche qui vous incombera.

Puissent vos travaux, avec la bénédiction de Dieu, contribuer au bien-être de notre chère patrie.

Au nom de la Reine je déclare ouverte la Session Ordinaire des États-Généraux.

SPEECH of the King of Roumania, on Opening the Session of the Legislature.—Bucharest, November 27, 1897.

(Traduction.)

MM. LES SÉNATEURS, MM. LES DÉPUTÉS,

Nous avons tous passé cette année par de dures épreuves, auxquelles a mis fin la Providence Divine, qui a protégé et protège sans cesse notre patrie.

Le peuple tout entier a été pénétré avec moi d'une profonde émotion pendant la maladie cruelle qui avait mis en danger la vie de l'héritier du trône, mon très cher neveu. Toutes les couches sociales m'ont donné, dans ces jours de douleur, de nombreuses preuves de tendre affection et d'inébranlable dévouement.

Je suis heureux de pouvoir renouveler aujourd'hui, au milieu de la représentation nationale, mes sentiments de reconnaissance pour la vivacité de ces manifestations, qui sont la plus belle récompense du labeur sans répit que j'ai déployé pour mon peuple bien-aimé au cours d'une vie entière.

MM. les Sénateurs, MM. les Députés,

L'inquiétude qui s'était emparée de l'Europe à cause de la guerre entre la Grèce et la Turquie a disparu à l'heure actuelle, et l'action unie des Grandes Puissances assure la paix générale, qui donnera un nouvel essor au développement des peuples.

Au milieu de ces circonstances, la situation de la Roumanie s'est consolidée davantage, et nous avons reçu de toutes parts des témoignages de vive et réelle sympathie pour la constance avec laquelle nous avons suivi une politique paisible et prudente.

Ainsi les relations du Royaume avec tous les États sont des plus cordiales. J'ai tenu à renouveler cette année l'expression de mes sentiments d'amitié et de vénération que j'ai toujours eus pour Sa Majesté l'Empereur et Roi François-Joseph, et je constate avec une vive satisfaction la réception brillante qui nous a été faite, à la Reine et à moi, dans la capitale de la Hongrie.

Les relations de bon voisinage entre la Roumanie et la Bulgarie ont trouvé une nouvelle confirmation dans la visite de Son Altesse Royale le Prince Ferdinand, qui nous a donné une preuve précieuse de ses sentiments et de ceux de son peuple pour nous.

Je ne puis ne pas consacrer un souvenir de reconnaissance à la

gracieuse attention de Sa Majesté l'Empereur de Russie, qui a bien voulu me saluer par un Envoyé Extraordinaire dans ma seconde capitale.

Les relations économiques entre la Roumanie et l'Empire Ottoman se trouvent aujourd'hui consolidées par une Convention Commerciale qui sera incessamment soumise à vos délibérations.

MM. les Sénateurs, MM. les Députés,

L'inauguration du Palais de l'Université de Iassi est un fait important dans notre développement culturel, et a été célébré avec chaleur par le pays tout entier. La Reine et moi nous avons été profondément touchés de la réception cordiale qui nous a été faite à cette occasion.

La loi de l'enseignement secondaire et supérieur, qui vous sera présentée, parfaire l'œuvre de consolidation et de réorganisation de nos écoles, en asseyant l'éducation nationale sur des bases solides, et en dirigeant le labeur du peuple vers le vaste champ des connaissances scientifiques et pratiques.

Le premier Budget voté par cette Législature a été clos le 30 Septembre dernier avec un excédent de plus de 3 millions. Ce résultat aurait été certainement plus satisfaisant si, dans les derniers six mois de cet exercice, des pluies incessantes et des inondations extraordinaires n'avaient pas causé aux récoltes des pertes considérables, dont le contre-coup s'est fait vivement sentir dans l'exercice budgétaire courant. Vous aurez à délibérer avec mon Gouvernement sur les mesures à prendre pour assurer au prochain Budget l'équilibre nécessaire à une gestion régulière des finances et au maintien de notre crédit si bien établi.

Tout notre système de communications s'est ressenti des pluies qui ont éprouvé le pays.

Cette fois on s'est mieux rendu compte de l'insuffisance de la loi des routes, et de la nécessité d'une réforme dans le but d'intéresser plus directement les districts et les communes à la construction et l'entretien des chaussées, et d'établir un contrôle financier et technique plus efficace.

Pour mettre les chemins de fer à même de satisfaire aux besoins de l'agriculture et du commerce, on continuera à améliorer et à consolider les anciennes lignes; en même temps, on commencera à construire immédiatement des magasins à silos, en leur donnant une organisation systématique.

Il est urgent de compléter notre service maritime, et d'améliorer nos ports Danubiens, gravement atteints par les grandes eaux. Là où le plus grand désastre s'est produit, à Galatz, on a immédiatement commencé des travaux qui mettront à l'avenir à l'abri cette ville, ainsi que le chemin de fer Berlad-Galatz.

Les crédits accordés par les Corps Législatifs ont permis d'activer les nouvelles constructions de chemins de fer; après leur achèvement nous nous mettrons à compléter systématiquement notre réseau.

La législation sur les eaux doit être mise, sans retard, en harmonie avec le développement économique du pays; quant à la loi sur l'organisation des chemins de fer, elle doit être soumise à une revision, à la suite du développement rapide et constant du réseau, et aussi afin d'améliorer le sort du personnel de ce service.

La sollicitude que vous avez toujours témoignée à l'armée lui impose le devoir de se développer sans cesse par l'instruction et la discipline. Cette année encore elle a marché dans cette voie d'une façon régulière et normale.

Plusieurs lois destinées à améliorer et à compléter l'organisation de l'armée seront soumises à vos délibérations, et notamment les lois relatives à l'avancement dans l'armée et au recrutement, ainsi qu'au développement de notre marine, dont l'importance croît d'année en année.

Afin d'établir une bonne distribution de la justice, il importe de consolider la position indépendante des Magistrats. Ce but sera atteint par la modification de quelques Articles de la Loi sur l'Organisation Judiciaire.

En vue de faciliter l'élaboration des lois, ainsi que la revision des codes actuels, mon Gouvernement proposera la création d'un Conseil Législatif Permanent.

Le service des pénitenciers a besoin d'une réforme sensible. Pour la préparer, l'adjonction de ce service au Département de la Justice est devenu une véritable nécessité.

Seront soumises à vos délibérations: la modification de la Loi des Conseils Districtuels, ayant pour but leur collaboration plus large à l'administration des intérêts propres des districts; la modification de la Loi Sanitaire, afin de mieux garantir et de faciliter la formation du personnel médical, et la réorganisation de la direction de la statistique, qui remplira mieux son but en passant au Ministère de l'Intérieur.

Le Ministère de l'Agriculture, du Commerce, de l'Industrie, et des Domaines a aujourd'hui une organisation insuffisante. Un Projet de Loi répondant à l'essor considérable qu'a pris ce Département vous sera présenté.

Les intérêts des agriculteurs sont isolés aujourd'hui au milieu de la concurrence générale; mais, à l'aide des Syndicats Agricoles, une amélioration sensible se produira dans cette branche importante de la production nationale.

Une loi réglant la mise en valeur pour l'agriculture des terres vagues du Delta Danubien sera soumise à vos débats, en

même temps que les modifications qu'il est nécessaire d'introduire dans la Loi sur la vente en lots des terres de l'État.

MM. les Sénateurs, MM. les Députés,

Le Royaume de Roumanie a aujourd'hui sa situation politique bien assurée. Il lui reste à développer ses forces matérielles, à se créer des relations économiques utiles et stables, à consolider sa marche et son progrès moral et scientifique.

La mission que les Corps Législatifs ont à remplir est belle. Je ne doute pas que vous ne mettiez tout votre zèle et toute votre activité à faire en sorte que cette Session soit féconde pour notre cher pays et à élever encore plus haut son prestige et la confiance qu'on lui témoigne de toutes parts.

Que Dieu bénisse vos travaux !

La Session ordinaire des Corps Législatifs est ouverte.

CAROL.

SPEECH of the King of Servia, on Opening the Extraordinary Session of the Legislature.—Belgrade, July 1st, 1897.

(Translation.)

GENTLEMEN,

I HAVE summoned you to an extraordinary Session.

As you are well aware, throughout the whole of the past half year the political circumstances and foreign relations of the Balkan Peninsula have been disturbed and are far from clear.

In order that events might not find us unprepared, I and my Government, which enjoys my full confidence, have adopted various measures for the strengthening of our military power and for the better material equipment of our army.

I am confident that you will fully appreciate the necessity for these measures, and therefore recommend to your careful consideration those proposals which my Government will place before you, and which, I trust, you will accept with unanimity.

When I summoned the present Government to take office, my intention was to enter upon the question of Constitutional reform with a view to carrying out the promise given in my Proclamation of the ^{9th}/_{11th} May.

As long, however, as foreign politics are in their present disturbed state, I consider it absolutely impossible for us to embark upon such a labour; when they have settled down, you may rely upon my giving effect to my promise.

I wish your labours all success, and have every confidence
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that you will respond to my expectations and to those of the country.

SPEECH of the King of Portugal, on Opening the Session of the Cortes.—Lisbon, January 2, 1897.

(Translation.)

PEERS OF THE REALM, AND DEPUTIES OF THE PORTUGUESE
NATION,

IT is with great pleasure that I comply with the Constitutional duty of opening the present Session of the Cortes of the Portuguese nation, and I trust that the strenuous co-operation of its Representatives will promote the public welfare by the settlement of various matters in which the prosperity of the country is interested.

At present our relations with foreign nations are of a cordial nature.

In virtue of the invitation addressed to us by His Majesty the Emperor King of Austria-Hungary, Her Majesty the Queen, my august and well-beloved spouse, attended the marriage at Vienna of her brother, the Duke of Orleans; and I have to record my sincere acknowledgments for the cordial reception which she met with, and for the affectionate proofs of esteem which we received.

Not less gratifying was the invitation—for which I have also to express my grateful thanks—of His Majesty the King of Italy to me and my family to be present at the marriage of his son, His Royal Highness the Prince of Naples; for which purpose Her Majesty Queen Maria Pia, my august mother, and my brother, the Infante Dom Affonso, proceeded to Rome. On this occasion, I feel satisfaction in telling you, our ancient and affectionate relations with Italy were renewed in the most friendly manner.

During the Parliamentary recess another fact of an international nature occurred, which it is pleasing to me to refer to. In the question which had arisen between the United States of Brazil and Great Britain with respect to the Island of Trinidad, the conciliatory mission fell to the lot of Portugal of having, through her good offices, to suggest to both those friendly nations a solution of the question, which was accepted by both countries.

The incident which recently occurred in consequence of certain unpleasant events which took place at Lourenço Marques, affecting the Consular Representative of the German Empire, has been closed, in a manner which was satisfactory to the feelings of that nation, for which we entertain due regard, and also without detriment to our own sense of dignity.

During the year just expired other memorable deeds testifying to the prestige of the sovereignty of Portugal in her transmarine possessions were added to those which in 1895 greatly exalted our military history. For instance, at Timor, the occupation of Batugadé, the capture of the Kingdoms of Balibó and Catubaba, the suomission of the rebels of Hanir, Cová, and Fatumean; in Angola, the punishment inflicted upon the people of Bondo in the region of Lui, on account of the depredations and outrages committed by them; in Guinea, the defeat of the Chieftain of Farreah-Damá, the military occupation of the banks of the Corubel, the subjection of the territory of Oio to our vassalage; in Mozambique, the recent campaign against the Namarraes, so gallantly initiated, and the result of which, I feel sure, will correspond to the glorious actions of Marracuene, Magul, Coolella, and Chaimite, and also to the recent and brave landing at Mocambo to repel the inroad of the Maravi—all these facts extol the renown of the Portuguese arms, and honour the navy and army on account of their constant and unblemished devotedness to their native country.

In India, after the re-establishment of order and of the freedom of the administration of the Government, my Ministers are earnestly endeavouring to put down the acts of the banditti who are still devastating the country. I have to record my recognition of the services rendered by my brother, the Infante Dom Affonso, not only as the officer in command of the expeditionary forces, by his extinguishing the conflagration which burst out in that province, but also as Viceroy in the exercise of the chief government of that territory.

Throughout the whole country public tranquillity has continued undisturbed.

Since the close of the last Session of the Cortes, not only have my Government attended to the enforcement of the laws passed, but they have enacted various measures, which I must mention, inasmuch as they are important. The quoting of the debentures of the Royal Railway Company; the loan of about 3,000 contos of reis (666,666*l.*) for the purchase of vessels of war, the first operation of credit attempted by us since the crisis of 1891; the contracts made with the most important ship-building firms abroad for the construction of those ships and of their armament; these measures have, on the one hand, improved the state of the Public Treasury and Credit, and, on the other, they have reorganized our naval forces for the defence of our transmarine dominions, and for the service of our Colonies.

It is likewise with a feeling of satisfaction that I am able to announce to you that the result of the new laws respecting the recruiting service and the suppression of clandestine emigration is

to afford the assurance that henceforward the number of recruits will not only far exceed the number hitherto obtained, but that the proceeds of the payments for exemption from military service will yield a large sum which will be available as an important contribution towards the renewal and amelioration of our "matériel de guerre."

In addition to the measures from the last Session which have still to be considered by you, my Government will submit to you others to which I trust you will devote your careful attention, especially those with reference to the supplementary provisions for the reform of secondary instruction and to the service for the suppression of clandestine emigration; to the organization of the Judicial Magistracy and to the mode of legal procedure in cases of bankruptcy; to the military forces in the Colonies and to the Sanitary Corps; to the classification of the various fortresses, with a view to the suppression of those which are not required for the defence of the country; to the fixing of the regulations for the admission and continuation of officers of various corps on staff service; to the banking régime in our Colonies; to the régime concerning the privileges and monopolies in the Colonies, and to the concessions to be granted for their material improvement and development; to the establishment of markets in our transmarine possessions; to the navigation to our Colonies; to the construction of railways on the Ruvo, at Benguella, and in the Island of San Thomé, and to the extension of the line of railway from Loanda to Ambaca, as far as Malange; to the revision of the Customs Tariff for Angola, in order that, without doing away with the protection which it is really necessary to afford to industry, an increase may be obtained in the revenue of that Colony; to the Commercial Declaration which has been signed by my Government and that of Denmark; to the cultivation of vast tracts of land in this country which are lying barren, and which it is highly expedient to render valuable; to the improvement in the export trade of our common wines; and, finally, to the régime concerning the constitution and working of Commercial Companies, especially those which are Joint-Stock.

The question, however, of the public finances which is now, and has always been, a vital matter to the country, is of far greater importance than all those above named. No doubt the improvement which has been effected in our economical and financial situation is still maintained. The fact that the Treasury has been able during the past few years to meet all its engagements with the resources of the nation, without any foreign loans, and without any considerable increase in the floating debt abroad, is an evidently undeniable proof of this assertion. It is true, as shown by the

statistics, that, absolutely speaking, industry and trade have improved; that there is greater facility in the settlement of commercial transactions is shown by the marked decrease in the exportation of gold and also by the reduction of the general rate of discount in the Bank of Portugal. Owing to several circumstances, however, at the close of 1896, the rates of exchange were detrimentally affected. The low rate of exchange in Brazil, and the high rate of discount in London and Berlin, together with the bad harvests, in some places, of various articles of produce in consequence of a bad agricultural year, as well as the high price of wheat in the American markets and the decrease in value of products exported from Angola, raised the premium on gold, thus aggravating the charges payable by the Portuguese Treasury and markets—which produced a decrease in the import trade and consequently a diminution of the customs receipts. Fortunately the rates of exchange have begun to improve; and various circumstances, both here and in the foreign markets, point out that ere long the state of things will change for the better.

The remodelling of the Customs Tariff is under your consideration, with regard to which it may perhaps be expedient to fix the bases of a Conventional régime, applicable to the trade with other nations. Special measures will be laid before you, together with the General Budget of the State. I earnestly trust that by your enlightened co-operation with my Government the several matters which are closely connected with the interests of the Treasury and of the country will be efficiently settled.

Peers of the Realm and Deputies of the Portuguese nation,

The mission intrusted into your hands is both difficult and complicated; the highest problems of public administration, the questions upon which the development and prosperity of the country mostly depend are placed under your charge. I feel confident that, with the assistance of Divine Providence, you will give your decisions in regard thereto in such a manner as may be best calculated to secure the welfare of the nation.

The Session is opened.

PERUVIAN LAW, regulating the Marriages of Non-Catholics.
—Lima, December 23, 1897.

(Translation.)

WHEREAS Congress has passed the following law:—

ART. 1. The marriage of those persons who do not profess the Catholic religion, shall be solemnized in the Republic, in the presence of the Mayor of the Provincial Council in the province in which either of the contracting parties may reside, and of two male witnesses of full age and residents in the place; previous proof having been given of the legal capacity of the parties to contract marriage. In like manner it shall be lawful for those persons to contract marriage in accordance with this law, to whom the church may have refused a dispensation to marry, the impediment having been founded on nonconformity of creed.

2. The legal formalities to be observed in the presence of the Mayor and the two witnesses referred to in the previous Article shall take place in the following manner:—

First, the man and the woman shall declare that they wish to contract marriage. The Mayor shall read to them Articles 132, 134, 173, 174, 175, 176, and 177 of the Civil Code, afterwards pronouncing the following words: "In the name of the law I declare that you have entered into the state of matrimony." The act shall be immediately drawn out, setting forth the celebration of the marriage which shall be signed by the contracting parties, the Mayor, and the witnesses.

All the requisites referred to in the preceding Articles shall be included in one single act.

3. The marriages referred to in this law are subject to the provisions of the Civil Code, with the exception of those contained in Articles 138, 143, 156, and 157.

4. The lower Civil Courts shall take cognizance of the suits for corporal separation and nullity of marriages solemnized under this law, and shall deal with them in the ordinary manner after hearing the opinion of the fiscal.

5. Those parties who do not profess the Catholic religion and those referred to in the second part of Article 1, before contracting marriage shall prove their legal capacity for doing so by documents or declarations of witnesses before the Courts indicated in the preceding Article.

6. All entries of the marriages of non-Catholics made up to the present date in the civil registers are declared valid.

7. The marriages of non-Catholics which may have taken place before Diplomatic or Consular Agents or dissenting ministers may

be registered directly in the marriage registers within the term of two years from the date of promulgation of the present law.

Let it be communicated to the Executive Power in order that the necessary steps may be taken for its fulfilment.

Given in the Hall of Sessions of Congress in Lima, the 17th day of December, 1897.

MANUEL CANDAMO, *President of the Senate.*

G. LEGUIA Y MARTINEZ, *First Vice-President of the Chamber of Deputies.*

LEONIDAS CARDENAS, *Senator Secretary.*

O. SEMINARIO Y ARÁMBURU, *Deputy Secretary.*

Wherefore I order it to be printed, published, and circulated, and that it may be duly carried into effect.

Given at the Government House in Lima, on the 23rd day of December, 1897.

N. DE PIEROLA.

J. A. DE LAVALLE.

DECREE of the President of the French Republic, suppressing the Post of Resident-General in Madagascar, and creating that of Governor-General.—Havre, July 30, 1897:

Le Président de la République Française,

Vu l'Article 18 du Sénatus-Consulte du 3 Mai, 1854 ;

Vu les Décrets du 11 Décembre, 1895,* rattachant l'Administration de Madagascar au Ministère des Colonies et fixant les pouvoirs du Résident-Général à Madagascar ;

Vu le Décret du 27 Mars, 1896, fixant le traitement du Résident-Général à Madagascar ;

Vu le Décret du 11 Juillet, 1896, portant application à Madagascar des prescriptions des Décrets des 27 Janvier, 1886, et 8 Février, 1890, relatives aux pouvoirs militaires du Gouverneur-Général de l'Indo-Chine et des Gouverneurs des Colonies ;

Vu les Décrets des 3 Août, 1896, et 6 Mars, 1897, instituant un Conseil d'Administration près le Résident-Général de France à Madagascar ;

Vu la Loi du 6 Août, 1893,† déclarant Colonie Française l'Ile de Madagascar et les Iles qui en dépendent ;

* Vol. LXXXVII, page 1180.

† Page 486.

Sur le Rapport du Ministre des Colonies,

Décète :

Art. 1^{er}. L'emploi de Résident-Général de France à Madagascar est supprimé.

Il est créé un emploi de Gouverneur-Général de la Colonie de Madagascar et dépendances.

2. Le Gouverneur-Général de la Colonie de Madagascar et dépendances possède toutes les attributions précédemment dévolues au Résident-Général par la législation actuellement en vigueur.

3. Le Gouverneur-Général de Madagascar et dépendances a droit à la solde, aux accessoires de solde, aux indemnités de déplacement, aux frais de représentation et de premier établissement déterminés pour le Résident-Général par le Décret du 27 Mars, 1896.

Il possède les mêmes assimilations au point de vue des moyens de transport, des indemnités de route et de séjour, et de la retraite.

4. Sont abrogées toutes dispositions contraires au présent Décret.

5. Le Ministre des Colonies est chargé de l'exécution du présent Décret, qui sera inséré au "Journal Officiel" de la République Française et au "Bulletin Officiel" du Ministère des Colonies.

Fait au Havre, le 30 Juillet, 1897.

FÉLIX FAURE

Par le Président de la République :

ANDRÉ LEBON, *Ministre des Colonies.*

CONVENTION de Commerce entre la France et la Bulgarie.—

Signée à Sophia, le 23 ^{Mai} 1897.

[Ratifications échangées à Sophia, le 5 Janvier, 1898.]

Son Altesse Royale le Prince de Bulgarie et le Président de la République Française, également animés du désir de resserrer les liens d'amitié qui unissent les deux pays et de placer dans des conditions réciproquement satisfaisantes les relations commerciales qui existent entre la Principauté et la France, ont décidé de conclure une Convention à cet effet et ont nommé pour leurs Plénipotentiaires respectifs, savoir :

Son Altesse Royale le Prince de Bulgarie, son Excellence le Docteur Stoïloff, son Président du Conseil et Ministre des Affaires Étrangères et des Cultes, Grand-Cordon de l'Ordre Princier de St. Alexandre en brillants, Grand-Officier de la Légion d'Honneur, &c. ; et

Le Président de la République Française, M. le Vicomte de

Petiteville, Ministre Plénipotentiaire, chargé de l'Agence et Consulat-Général de France à Sophia, Officier de la Légion d'Honneur, Grand-Officier de l'Ordre Princier de St. Alexandre;

Lesquels, après s'être communiqué leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Il y aura pleine et entière liberté de commerce et de navigation entre les nationaux des deux pays; les Bulgares et les Français ne seront pas soumis, à raison de leur commerce ou de leur industrie dans les ports, villes ou lieux quelconques des États respectifs, soit qu'ils s'y établissent, soit qu'ils y résident temporairement, à des taxes, impôts ou patentes, sous quelque dénomination que ce soit, autres ou plus élevés que ceux qui seront perçus sur les nationaux ou les ressortissants de la nation la plus favorisée. Les privilèges, immunités et autres faveurs quelconques dont jouissent ou jouiront en matière de commerce et d'industrie les nationaux de l'une des Parties Contractantes seront communs à ceux de l'autre.

II. Les ressortissants des deux Parties Contractantes ne seront astreints sur le territoire de l'autre à aucun service obligatoire, soit dans les armées de terre ou de mer, soit dans les gardes ou milices nationales. Ils seront exempts de tous emprunts forcés et de toute autre contribution extraordinaire, de quelque nature que ce soit. Ils seront également dispensés de toute fonction officielle obligatoire, judiciaire, administrative ou municipale. Sont toutefois exceptées les charges qui sont attachées à la possession à titre quelconque d'un bien-fonds, ainsi que les prestations et les réquisitions militaires auxquelles tous les nationaux peuvent être appelés à se soumettre comme propriétaires, fermiers ou locataires d'immeubles.

III. Les ressortissants de chacune des Parties Contractantes pourront, en quelque lieu que ce soit des possessions de l'autre Partie, exercer toute espèce d'industrie, faire le commerce tant en gros qu'en détail de tous produits, objets fabriqués ou manufacturés, de tous articles de commerce licite, soit en personne, soit par leurs agents, seuls ou en entrant en société commerciale avec des étrangers ou avec des nationaux; ils pourront y acquérir, louer et occuper des maisons et boutiques, acquérir, louer et posséder des terres, le tout en se conformant, comme les nationaux eux-mêmes et les ressortissants de la nation la plus favorisée, aux lois et règlements des pays respectifs.

Les dispositions du présent Article relatives au libre exercice des professions ne seront pas appliquées en Bulgarie aux cabaretiers de village, aux pharmaciens, aux courtiers,* aux colporteurs et aux marchands ambulants.

IV.* Chacune des deux Parties Contractantes s'engage à faire

* See Final Protocol, page 1152.

profiter l'autre, immédiatement et sans compensation, de toute faveur, de tout privilège ou abaissement dans les tarifs des droits à l'importation et à l'exportation des articles, mentionnés ou non dans la présente Convention, qu'une d'elles a accordés ou pourrait accorder à une tierce Puissance.

Les Parties Contractantes s'engagent en outre à n'établir, l'une envers l'autre, sauf pour des motifs sanitaires ou pour empêcher, soit la propagation d'épizooties, soit la destruction des récoltes, ou bien en vue d'événements de guerre, aucun droit ou prohibition d'importation ou d'exportation qui ne soit, en même temps, applicable aux autres nations.

Le traitement de la nation la plus favorisée est réciproquement garanti à chacune des Parties Contractantes pour tout ce qui concerne la consommation, l'entreposage, la réexportation, le transit, le transbordement de marchandises, le transport sur les voies ferrées, l'accomplissement de formalités de douane, et, en général, pour tout ce qui se rapporte à l'exercice du commerce ou de l'industrie.

V. Les marchandises d'origine ou de manufacture Françaises acquitteront, à leur entrée en Bulgarie, les droits inscrits sur le Tableau (A) annexé à la présente Convention.

Les marchandises d'origine ou de manufacture Bulgare seront admises à l'entrée en France au bénéfice des taxes les plus réduites qui y sont ou y seront établies.

Les droits *ad valorem* établis à l'entrée en Bulgarie seront acquittés conformément aux dispositions détaillées insérées dans le Tableau (B) annexé à la présente Convention.

VI. Les marchandises de toute nature, originaires de l'un des deux pays et importées dans l'autre, ne pourront être assujetties à des droits d'accise, d'octroi, de consommation, de fabrication ou à des taxes intérieures quelconques perçus pour le compte de l'État ou des communes, autres ou plus élevés que ceux qui grèvent ou grèveraient les marchandises similaires de production nationale ou originaires du pays le plus favorisé.

VII. Les fabricants et les marchands Français, ainsi que leurs commis-voyageurs voyageant en Bulgarie, pourront, sans être assujettis à aucun impôt de patente Bulgare, y faire des achats et des ventes pour les besoins de leur industrie et recueillir des commandes, avec ou sans échantillons, mais sans colporter de marchandises.

Il y aura, en France, réciprocité de traitement pour les fabricants ou les marchands Bulgares et leurs commis-voyageurs.

Les commis-voyageurs Bulgares et Français, munis d'une carte de légitimation, conforme au modèle ci-annexé, délivrée par les autorités de leurs pays respectifs, auront le droit réciproque d'avoir avec eux des échantillons, mais non des marchandises.

En ce qui concerne les formalités auxquelles les voyageurs de commerce sont ou seront soumis dans les territoires des Parties Contractantes, les Bulgares en France et les Français en Bulgarie jouiront à tous égards du traitement de la nation la plus favorisée.

Ne jouiront pas de l'exemption de la patente les commis-voyageurs Français cherchant à recueillir des commandes chez les personnes n'exerçant ni commerce ni industrie.

VIII. Les Parties Contractantes s'engagent à régler dans une Convention spéciale, aussitôt que faire se pourra, les diverses questions relatives à la navigation. Jusqu'à la conclusion de cet accord, les bâtiments de commerce appartenant à l'un des deux pays jouiront dans les ports et havres de l'autre pays, sauf en matière de cabotage, du traitement national.

IX. Il est pareillement convenu que la Bulgarie et la France procéderont, à bref délai, à la conclusion d'une Convention spéciale ayant pour but d'assurer la protection réciproque des brevets d'invention, marques de fabrique ou de commerce, dessins et modèles industriels, &c. Le Gouvernement Bulgare s'engage à présenter prochainement au Sobranié une loi pour la protection de la propriété industrielle conforme aux principes adoptés dans les législations intérieures des principaux États Européens, et destinée à préparer l'accession de la Principauté à la Convention Internationale du 20 Mars, 1883.*

X. La Bulgarie aura le droit de nommer des Agents Commerciaux dans toutes les places de France ayant une importance pour son commerce.

XI.† La présente Convention s'étend aussi aux pays ou territoires unis actuellement ou à l'avenir, par une Union Douanière, à l'une des Parties Contractantes.

XII. Les dispositions de la présente Convention sont applicables à l'Algérie.

Il est entendu qu'elles deviendraient en outre applicables aux Colonies Françaises ou pays de protectorat pour lesquels le Gouvernement Français en réclamerait le bénéfice. Le Représentant de la République Française à Sophia aurait, à cet effet, à le notifier au Gouvernement Princier dans un délai d'un an à dater du jour de l'échange des ratifications de la présente Convention.

XIII. La présente Convention entrera en vigueur huit jours après l'échange des ratifications, qui aura lieu au plus tard le 1^{er} Juillet, 1897. Elle restera exécutoire jusqu'au 1^{er} Décembre, 1903.

Toutefois, la clause en vertu de laquelle les marchandises

* Vol. LXXIV, page 44.

† See Final Protocol, page 1152.

d'origine ou de manufacture Bulgare sont admises à l'entrée en France au bénéfice des taxes les plus réduites pourra être dénoncée à toute époque par le Gouvernement Français, et dans ce cas la dite clause et le Tarif des Droits inscrits dans le Tableau (A) annexé à la présente Convention cesseront d'être en vigueur un an après cette dénonciation.

Dans le cas où aucune des deux Parties Contractantes n'aurait notifié douze mois avant la période précitée du 1^{er} Décembre, 1903, son intention de faire cesser les effets de la présente Convention, cet Acte demeurera obligatoire jusqu'à l'expiration d'un an à partir du jour où l'une ou l'autre des Parties Contractantes l'aura dénoncé.

XIV. La présente Convention sera ratifiée, et les ratifications en seront échangées à Sophia aussitôt que faire se pourra.

En foi de quoi les Plénipotentiaires des deux pays ont signé la présente Convention et y ont apposé leurs sceaux.

Fait à Sophia, en double exemplaire, le 22nd Mai 1897.

(L.S.) DR. C. STOÏLOFF.

(L.S.) R. DE PETITEVILLE

TABLEAU (A).—*Droits à percevoir à l'Entrée des Marchandises Françaises importées en Bulgarie.*

No.	Dénomination.	Unité.	Droits.
1	Chaux hydraulique et ciment	<i>Ad valorem</i> ..	10 pour cent.
2	Tuiles, dalles, carreaux, et tuyaux en terre	" ..	12 "
3	Savons ordinaires	" ..	18 "
4	Savons de toilette	" ..	12 "
5	Cuirs pour semelles et autres cuirs non spécialement dénommés	" ..	16 "
6	Articles de cuir	" ..	16 "
7	Cuirs vernis et chevreau pour empeignes	" ..	12 "
8	Vins mousseux et non mousseux en bouteilles	" ..	12 "
9	Parfumerie	" ..	12 "
10	Bougies	" ..	18 "
11	Verres à vitre	" ..	20 "
12	Arachides	" ..	10½ "
13	Noix, noisettes, amandes	" ..	10½ "
14	Mérinos et cachemires unis, de laine pure, pesant moins de 400 grammes au mètre carré	" ..	12 "
15	Draps et étoffes en laine pesant plus de 400 grammes au mètre carré	" ..	18 "
16	Confitures, et bonbons, dragées, loukoum, halwa, pekmes (jus de raisins cuits), ou fruits glacés au sucre	" ..	20 "
17	Sucres non raffinés, raffinés, candies	" ..	20 "
	issus de jute	" ..	12 "

No.	Dénomination.	Unité.	Droits.
19	Sacs de jute	<i>Ad valorem</i> ..	10 pour cent. Fr. c.
20	Alcool	L'hectol. ..	12 60
21	Eaux de vie de raisins et de prunes, arak, rhum, cognacs, et autres eaux de vie en barriques	<i>Ad valorem</i> ..	18 pour cent sans que la taxe puisse être infé- rieure à 36 fr. l'hectol.
22	Cognacs, liqueurs, et boissons spiri- tueuses de toutes sortes en bouteilles.	„ ..	18 pour cent sans que la taxe puisse être infé- rieure à 45 fr. l'hectol.
23	Chaussures de toutes sortes avec se- melles de cuir	100 kilog. nets.	Fr. c. 290 00
24	Vêtements confectionnés en tissus de laine pure ou mélangée	„ ..	300 00
25	Cordes et articles de corderie de toutes sortes, à l'exception des ficelles ..	<i>Ad valorem</i> ..	25 pour cent. Fr. c.
26	Sel gemme*	100 kilog. nets.	3 08
27	Sel marin*	„ ..	3 04
28	Tabacs en feuilles	„ ..	258 00
29	Tabac fabriqué	Le kilog. net ..	29 80
30	Cigares	„ ..	5 80
31	Cigarettes	„ ..	29 80
32	Poudres de toutes sortes.	100 kilog. nets.	112 00
33	Cartouches, feux d'artifice, et autres matières explosibles	„ ..	140 00
34	Graines de vers à soie, machines et tous autres accessoires nécessaires à la production des soies .. ..	..	Exempts.
35	Toutes autres marchandises non dé- nommées	<i>Ad valorem</i> ..	14 pour cent.

(L.S.) DR. C. STOÏLOFF.

(L.S.) R. DE PETITEVILLE.

TABLEAU (B).—*Dispositions Spéciales concernant la Perception des Droits ad valorem sur les Marchandises importées en Bulgarie.*

ART. 1.—L'importateur est tenu d'indiquer par écrit dans la déclaration la valeur et la dénomination commerciale de la marchandise importée.

Les droits *ad valorem* sont calculés sur le prix réel des marchandises au lieu d'achat, de production, ou de fabrication, augmenté des frais de transport et d'emballage jusqu'à la frontière et des frais d'assurance et de commission jusqu'au lieu de destination.

L'importateur devra joindre à sa déclaration la facture de vente et la lettre de voiture ou le connaissement.

* See Final Protocol, page 1152.

La valeur de la marchandise sera indiquée dans la déclaration en francs et en centimes.

2. La visite douanière des marchandises aura lieu dans les quarante-huit heures qui suivent la déclaration.

La Douane ne pourra se refuser à calculer le droit d'entrée d'après la valeur déclarée par l'importateur que dans le cas où l'inspection de la marchandise lui permet de concevoir des doutes fondées sur l'exactitude de cette valeur.

Dans ce cas la Douane a, durant vingt-quatre heures après la visite douanière, le droit d'augmenter la valeur déclarée. Si l'importateur n'admet pas cette augmentation, la Douane a la faculté d'exercer la préemption ou de recourir à l'expertise.

En cas de préemption la Douane devra payer à l'importateur, dans un délai de quinze jours, la valeur déclarée augmentée de 5 pour cent.

En cas d'expertise, qui devra être effectuée dans un délai maximum de quinze jours, la Douane devra remettre la marchandise à la libre disposition de l'importateur, à charge pour celui-ci de fournir une soumission cautionnée ou un cautionnement en numéraire suffisants pour l'acquittement du droit d'entrée, des taxes additionnelles, et des suppléments du dit droit qui pourraient résulter de l'expertise. L'importateur aura la faculté de présenter aux experts, à titre de renseignement, un certificat délivré par la Chambre de Commerce compétente en vue d'établir le prix réel de la marchandise.

3. Le droit de préemption de la Douane est déchu dès que l'expertise est demandée.

S'il résulte de l'expertise que la valeur de la marchandise ne dépasse pas de plus de 10 pour cent celle qui a été déclarée par l'importateur, le droit d'entrée sera perçu sur la valeur déterminée par les experts.

Si la valeur déterminée par les experts dépasse de 10 pour cent celle qui a été déclarée, l'importateur sera passible d'une amende qui pourra s'élever jusqu'à dix fois le montant des droits qu'on a cherché à éluder. Les frais d'expertise seront supportés, moitié par l'exportateur, moitié par la Douane, si la valeur résultant de l'expertise n'excède pas 5 pour cent de la valeur déclarée; en cas contraire, ces frais seront supportés par la partie condamnée.

Dès que le droit d'entrée, les taxes additionnelles, et, s'il y a lieu, l'amende auront été perçus par la Douane, la marchandise sera délivrée à l'importateur. Si celui-ci avait déjà retiré sa marchandise, on annulera la partie de la soumission cautionnée, ou on remboursera la partie du cautionnement en numéraire qui excèdera le chiffre du dit droit d'entrée des taxes additionnelles et de l'amende.

4. En cas d'expertise le Chef de la Douane et l'importateur désigneront chacun un expert, dans les huit jours qui suivront la demande d'expertise. En cas de partage des voix, ou si l'importateur le requiert au moment même de la constitution de l'arbitrage, les experts choisiront, dans un délai de huit jours, un tiers arbitre. S'il y a désaccord entre eux, le tiers arbitre sera nommé par le Président du Tribunal du département compétent, et, dans les lieux où il n'existe pas de Tribunal de département, par le Juge local (mirovii sadia) compétent.

La décision arbitrale devra être rendue dans les cinq jours qui suivront la nomination des arbitres.

5. Si dans les quinze jours qui suivent la notification de la décision des experts, les droits supplémentaires, l'amende, et les frais n'ont pas été acquittés et que la marchandise n'ait pas, d'ailleurs, été délivrée à l'importateur, celle-ci pourra être vendue par la Douane.

Le produit de la vente ou le cautionnement effectués en numéraire après

prélèvement des droits supplémentaires, de l'amende, et des frais, sera tenu à la disposition de l'ayant-droit, en cas de vente pendant une année à partir du jour de la vente, en cas de cautionnement pendant une année à partir du jour de la décision définitive.

Si la somme disponible n'est pas réclamée dans le délai fixé, elle restera définitivement acquise au Trésor.

(L.S.) DR. C. STOÏLOFF.

(L.S.) R. DE PETITEVILLE.

Modèle de la Carte de Légitimation dont les Voyageurs de Commerce doivent être porteurs à leur entrée en ^{Bulgarie} _{France}.

Bon pour l'année 189 .

No. de la Carte: .

PRINCIPAUTÉ DE BULGARIE.

ou

RÉPUBLIQUE FRANÇAISE.

Porteur.

(Nom et prénom.)

Lieu

, date .

(Sceau de l'autorité
compétente.)

(Titre et signature de l'autorité
compétente.)

IL est certifié par la présente que le porteur de cette carte possède une*
[indication de la fabrique ou du commerce] à , sous la raison
de commerce
est commis-voyageur au service de la maison , à
qui possède une* [indication de la fabrique ou du commerce] à
sous la raison de commerce

Le porteur de cette carte se proposant de recueillir des commandes et de
faire des achats en† , pour cette maison* ,
et pour la maison ci-après désignée ou les maisons ci-après désignées [désigna-
tion de l'établissement commercial ou industriel], il est certifié que la dite
maison* [ou, les dites maisons], est autorisée à pratiquer son*
, ou leur industrie* ou commerce dans les pays et paye* ou
payent les contributions légales pour l'exercice de son* ou leur commerce* ou
industrie.

Signalement du Porteur.

Age _____

Taille: _____

Cheveux: _____

Signes particuliers: _____

(Signature du porteur.)

* Effacer les mots qui ne se rapportent pas au cas particulier ou la situation
personnelle du voyageur de commerce.

† Nom du pays où se rend le voyageur de commerce.

(L.S.) DR. C. STOÏLOFF.

(L.S.) R. DE PETITEVILLE.

PROTOCOLE FINALE.

Au moment de procéder à la signature de la Convention de Commerce conclue en date de ce jour entre la Principauté de Bulgarie et la République Française, les Plénipotentiaires soussignés ont fait la déclaration suivante, qui fera partie intégrante de la Convention même :—

1. Les conserves alimentaires payeront, à leur entrée en Bulgarie, un droit de douane de 14 pour cent *ad valorem* et seront soumises à un droit d'accise qui, dans aucun cas, ne pourra être supérieur à 50 fr. par 100 kilog. nets.

2. L'industrie de la production des graines de vers à soie pourra, conformément aux Articles I et III de la Convention, être exercée en Bulgarie par les Français dans les mêmes conditions que par les nationaux ou les ressortissants de la nation la plus favorisée. L'importation dans la Principauté des graines de vers à soie de provenance Française s'effectuera conformément à l'entente intervenue au mois de Février, 1896, entre les Gouvernements Bulgare et Français. L'importateur aura à produire un certificat établissant qu'il sélectionne d'après le système cellulaire Pasteur. Ce certificat émanera soit du Maire de la commune où réside l'importateur, soit du Préfet du Département; il devra être revêtu de l'estampille du Ministère Français de l'Agriculture. Sur la production de ce certificat, les bourses ou boîtes de graines portant le nom et l'adresse du producteur seront examinées au Ministère du Commerce et de l'Agriculture de Bulgarie par une Commission Spéciale, composée de trois membres au moins, à laquelle pourra être adjoint un délégué nommé par l'importateur dont il s'agit.

L'importation dans la Principauté de graines de vers à soie ne pourra être effectuée en dehors de la période comprise entre le 1^{er} Septembre et le 15 Novembre (v. s.) et de celle allant du 1^{er} Février au 15 Mars (v. s.). Tout envoi de graines fait avant ou après ces deux périodes ne sera pas accepté.

3. Il est convenu que l'expression "courtier," employée au dernier paragraphe de l'Article III de la présente Convention, ne pourra, en aucun cas, être l'objet d'une interprétation qui aurait pour effet de restreindre en quoi que ce soit le libre exercice de la profession de commerçant.

4. Il est bien entendu que les dispositions de l'Article XI ne sauraient avoir pour effet de porter préjudice aux Traités ou Conventions de quelque nature que ce soit en vigueur entre l'une ou l'autre des Parties Contractantes et les pays ou territoires qui seraient unis ou s'uniraient à elle par une Union Douanière.

5. La clause du traitement de la nation la plus favorisée stipulée à l'Article IV ne s'appliquera pas aux faveurs spéciales résultant

d'une Union Douanière ni à celles accordées aux États limitrophes pour faciliter le commerce des frontières. Il est d'ailleurs convenu que l'étendue du territoire dans lequel il sera loisible d'accorder des faveurs spéciales en vue du trafic frontière ne dépassera pas 20 kilom. de part et d'autre de la frontière des deux États limitrophes.

La France renonce, en outre, à revendiquer le bénéfice des tarifs de faveurs concédés à titre privatif à la Serbie par le IV de l'Annexe (C) du Traité de Commerce conclu entre la Bulgarie et la Serbie le 16 Février, 1897.

6. Le Gouvernement Bulgare aura la faculté d'établir le régime du monopole en ce qui concerne les marchandises suivantes: poudre, tabac, sel, pétrole.

Il est d'ailleurs entendu que les droits de 3 fr. 8 c. et de 3 fr. 4 c. inscrits au Tableau (A) pour les sels gemme et marin ne seront applicables que pour une période d'un an, à compter du jour de l'échange des ratifications.

7. Le présent Protocole sera considéré comme approuvé par les Puissances Contractantes sans ratification spéciale, par le seul fait de l'échange des ratifications de la Convention de Commerce à laquelle il se rapporte.

Fait en double à Sophia, le ^{28 Mai}_{4 Juin} 1897.

(L.S.) DR. C. STOÏLOFF.

(L.S.) R. DE PETITEVILLE.

NOTES exchanged between the Governments of Bulgaria and the Netherlands, regulating the Commercial Relations of the two Countries.—Constantinople, June 1/2, 1897.

Constantinople, le 1/2 Juin, 1897.

Le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté la Reine des Pays-Bas à Constantinople, à ce autorisé par son Gouvernement, a l'honneur de déclarer à M. l'Agent Diplomatique de la Principauté de Bulgarie en cette ville que la législation qui régit actuellement les Tarifs Douaniers, tant aux Pays-Bas que dans leurs Colonies, ne fait aucune différence entre les importations de l'étranger, quelle que soit leur origine. Les même tarifs sont donc applicables aux marchandises Bulgares qu'à celles des autres nations.

Le Soussigné saisit, &c.,

O. D. VAN DER STAAL VAN PIERSHIL.

Constantinople, le 1^{er} Juin, 1897.

Le Soussigné, Agent Diplomatique de Bulgarie à Constantinople, a l'honneur d'accuser réception de la note en date d'aujourd'hui par laquelle M. l'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté la Reine des Pays-Bas en cette ville a bien voulu l'informer que la législation qui régit actuellement les Tarifs Douaniers tant aux Pays-Bas que dans leurs Colonies, ne fait aucune différence entre les importations de l'étranger, quelle que soit leur origine, et que par suite les mêmes tarifs sont appliqués aux marchandises de provenance Bulgare.

Prenant acte de cette communication et dûment autorisé par le Gouvernement de Son Altesse Royale le Prince de Bulgarie, le Soussigné s'empresse de déclarer qu'à partir de ce jour les produits et les marchandises originaires des Pays-Bas et de leurs Colonies jouiront en Bulgarie du traitement de la nation la plus favorisée durant la période de temps fixée par les Conventions de Commerce conclues entre la Bulgarie et les autres États.

Le Soussigné saisit, &c.,

DR. MARCOFF.

DECLARATION between France and the Netherlands, respecting Tunis.—Signed at the Hague, April 3, 1897.

[Ratifications exchanged at the Hague, December 9, 1897.]

EN vue de déterminer les rapports entre les Pays-Bas et la France en Tunisie et de bien préciser la situation conventionnelle des Pays-Bas dans la Régence, les Soussignés, dûment autorisés par leurs Gouvernements respectifs, font d'un commun accord la Déclaration suivante :—

Les Traités et Conventions de toute nature en vigueur entre les Pays-Bas et la France sont étendus à la Tunisie.

Les Pays-Bas s'abstiendront de réclamer pour leurs Consuls, leurs ressortissants et leurs établissements en Tunisie d'autres droits et privilèges que ceux qui leur sont acquis en France.

Les indigènes-protégés de la liste sera fournie par le Gouvernement des Pays-Bas auront droit en Tunisie au même traitement que les sujets Néerlandais eux-mêmes.

Il est bien entendu, au surplus, que le traitement de la nation la plus favorisée en Tunisie ne comprend pas le traitement Français.

La présente Déclaration sera ratifiée, et les ratifications en seront échangées à La Haye dans les neuf mois qui suivront la signature.

Fait en double, à La Haye, le 3 Avril, 1897.

(L.S.) G. BIHOURD.

(L.S.) J. RÖELL.

NOTE.

M. LE MINISTRE,

La Haye, le 31 Mars, 1897.

EN réponse à la lettre que vous m'avez fait l'honneur de m'adresser le 25 Mars courant, pour me demander des éclaircissements supplémentaires sur la portée du projet de Déclaration relatif au régime à établir entre les Pays-Bas et la Tunisie je puis, avec autorisation de mon Gouvernement, déclarer à votre Excellence qu'à la suite de l'échange des ratifications de la Déclaration, le Bey de Tunis rendra un Décret en vertu duquel les produits Néerlandais seront reçus en Tunisie au tarif le plus réduit, réserve faite des droits particuliers de la France, et que les sujets Néerlandais jouiront en Tunisie du même traitement qu'en France, des mêmes droits et des mêmes prérogatives.

Tout en portant à neuf mois le délai imparti pour l'échange des ratifications, je tiens à exprimer l'espoir que le Cabinet de La Haye pourra profiter des derniers jours de la Session actuelle pour obtenir des États-Généraux l'approbation de la Déclaration.

Je dois espérer que votre Excellence, complètement éclairée sur la portée du projet de Déclaration que j'ai eu l'honneur de lui soumettre, ne verra plus d'obstacles à la signature de l'Arrangement destiné à fixer les rapports des Pays-Bas avec la Régence de Tunis.

Veuillez agréer, &c.,

M. Röell.

G. BIHOURD.

Décret Beylical.

Article Unique.—Le tarif général des droits de douane à l'importation n'est pas applicable aux produits originaires de Ces produits pourront être introduits en Tunisie sans payer de taxes ou de droits autres ou plus élevés que ceux imposés aux produits semblables provenant de la nation la plus favorisée, la France exceptée.

*PROCLAMATION by the President of the United States
exempting certain Mexican Vessels from the payment of
Tonnage Dues.—Washington, November 12, 1897.*

WHEREAS satisfactory proof has been given me that vessels of the United States in ballast which proceed to Mexico with the object of devoting themselves to pearl fishery and fishing on the Mexican coasts or for the purpose of receiving and carrying passengers and mail, or of loading cattle, wood, or any other Mexican product, and which shall go directly to ports open to general commerce so that thence they may be dispatched to their destination; and steam-vessels of the United States are exempted from tonnage duties in Mexican ports;

Now, therefore, I, William McKinley, President of the United States of America, by virtue of the authority vested in me by the Act of Congress approved the 24th July, 1897, entitled "An Act to authorize the President to suspend discriminating duties imposed on foreign vessels and commerce," do hereby declare and proclaim that, from and after the date of this my Proclamation, Mexican vessels in ballast which proceed to the United States with the object of fishing on the coast thereof or for the purpose of receiving and carrying passengers and mail, or of loading cattle, wood, or any other product of the United States, and which shall go directly to ports open to general commerce so that thence they may be dispatched to their destination; and Mexican steam-vessels shall be exempted from the payment of the tonnage duties imposed by section 4219 of the Revised Statutes of the United States.

And this Proclamation shall remain in force and effect until otherwise ordered by the President of the United States.

In witness whereof I have set my hand and caused the seal of the United States to be hereunto affixed.

Done at the city of Washington, this 12th day of November, 1897, and of the Independence of the United States the 122nd.

(L.S.) WILLIAM MCKINLEY.

By the President:

JOHN SHERMAN, *Secretary of State.*

CONVENTION between the United States and Mexico, extending the Duration of the Boundary Convention of March 1889.—Signed at Washington, October 29, 1897.

[Ratifications exchanged at Washington, December 21, 1897.]

WHEREAS the United States of Mexico and the United States of America desire to give full effect to the provisions of the Convention concluded and signed in Washington on the 1st March, 1889,* to facilitate the execution of the provisions contained in the Treaty signed by the two High Contracting Parties on the 12th November, 1884,† and to avoid the difficulties arising from the changes which are taking place in the beds of the Bravo del Norte and Colorado Rivers in those parts, which serve as a boundary between the two Republics;

And whereas the period fixed by Article IX of the Convention of the 1st March, 1889, extended by the Conventions of the 1st October, 1895,‡ and the 6th November, 1896,§ expires on the 24th December, 1897;

And whereas the two High Contracting Parties deem it expedient to extend the period fixed by Article IX of the Convention of the 1st March, 1889, and by the Sole Article of the Convention of the 1st October, 1895, and that of the 6th November, 1896, in order that the International Boundary Commission may be able to conclude the examination and decision of the cases which have been submitted to it, they have for that purpose appointed their respective Plenipotentiaries, to wit:

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico in Washington; and

The President of the United States of America, John Sherman, Secretary of State of the United States of America;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Article:—

Article.—The duration of the Convention of the 1st March, 1889, signed by the United States of Mexico and the United States of America, which, according to the provisions of Article IX thereof, was to remain in force for five years, counting from the date of the exchange of its ratifications, which period was extended by the Convention of the 1st October, 1895, to the 24th December, 1896,

* Vol. LXXXI, page 739.

† Vol. LXXXVIII, page 752.

‡ Vol. LXXV, page 994.

§ Vol. LXXXVIII, page 753.

and by the Convention of the 6th November, 1896, to the 24th December, 1897, is extended by the present Convention for the period of one year, counting from this last date.

This Convention shall be ratified by the two High Contracting Parties, in conformity with their respective Constitutions, and the ratifications shall be exchanged in Washington as soon as possible.

In testimony whereof we, the Undersigned, by virtue of our respective powers, have signed this Convention in duplicate, in the Spanish and English languages, and have affixed our respective seals.

Done in the city of Washington, on the 29th day of October of the year 1897.

(L.S.) M. ROMERO.

(L.S.) JOHN SHERMAN.

TUNISIAN DECREE, relative to Treaty Relations between Tunis and certain Foreign States.—Tunis, February 1 1897.

Louanges à Dieu !

Nous, Ali Pacha Bey, Possesseur du Royaume de Tunis ;

Vu les Conventions, Arrangements, et Déclarations intervenus entre le Gouvernement Français, d'une part ;

Et les Gouvernements Allemand, le 18 Novembre, 1896,* Austro-Hongrois, le 20 Juillet, 1896 ;† Danois, le 21 Janvier, 1897 ; Espagnol, le 12 Janvier, 1897 ; Italien, le 28 Septembre, 1896 ;‡ Russe, le 14 Octobre, 1896 ;§ Suisse, les 12 Avril, 1893, et 14 Octobre, 1896,|| d'autre part ;

Avons pris le Décret suivant :

ART. 1^{er}. Sont et demeurent définitivement abrogés les Traités et Conventions de toute nature relatifs à la Tunisie conclus antérieurement aux Conventions, Arrangements, et Déclarations précitées avec l'Allemagne, l'Autriche-Hongrie, le Danemark, l'Espagne, l'Italie, la Russie, et la Suisse.

2. Sont étendus à la Tunisie, et y seront appliqués sans autre promulgation que celle du présent Décret, les Traités et Conventions de toute nature en vigueur entre la France, d'une part ;

* Vol. LXXXVIII, page 743.

† Vol. LXXXVIII, page 716.

‡ Vol. LXXXVIII, page 717.

§ Vol. LXXXVIII, page 743.

|| Vol. LXXXVIII, page 743.

Et l'Allemagne, l'Autriche-Hongrie, le Danemark, l'Espagne, la Russie, et la Suisse, d'autre part.

Le délai de quinze jours stipulé à l'Article IV de la Convention Franco-Suisse d'Extradition du 9 Juillet, 1869,* est porté à deux mois en Tunisie.

Tunis, le 1^{er} Février, 1897.

Vu pour promulgation, et mise à exécution :

RENÉ MILLET, *Ministre Plénipotentiaire, Résident-
Général de la République Française.*

*DECLARATION amending the Paris Sanitary Convention
of April 3, 1894.—Signed at Paris, October 30, 1897.*

[See Vol. LXXXVII, page 81 (foot-note).]

*FINAL PROTOCOL of the Russo-German Conference of
1896-97 on questions relating to Commerce. — Berlin,
February 9, 1897.*

DES DÉlÉgués Allemands et Russes se sont réunis en Conférence, d'ordre de leurs Gouvernements, pour étudier certaines questions relatives à l'interprétation et à l'exécution du Traité de Commerce conclu entre l'Allemagne et la Russie.

Ces DÉlÉgués ayant délibéré à cet effet dans une série de séances sur les détails de ces questions, les Soussignés, dûment autorisé par leurs Gouvernements, sont tombés d'accord de fixer dans le présent Protocole les résultats auxquels ont abouti les délibérations de la Conférence, savoir :—

I.—*Questions Vétérinaires.*

Le Gouvernement Russe a énoncé le désir de se concerter avec celui de l'Allemagne sur les conditions et garanties sous lesquelles les animaux vivants, la viande et certains produits animaux et alimentaires pourraient être admis, au moins dans une certaine mesure, à l'importation en Allemagne, et au transit à travers ce pays.

Le Gouvernement Allemand, vu l'état actuel de l'organisation vétérinaire en Russie, ne se voit pas à même de revenir sur les mesures générales prises en matière vétérinaire, y compris la

prohibition de la viande de porc crue. Pour ce qui concerne la question de savoir si le nombre des porcs vivants admis en Haute-Silésie ne saurait être porté de nouveau au chiffre antérieur, question soulevée par la délégation Russe, le Gouvernement Allemand, vu les considérations sur lesquelles est basée cette admission, croit devoir se réserver pleine et entière autonomie par rapport au nombre admis ou à admettre, tant que la mesure générale prohibitive reste en vigueur.

Toutefois, le Gouvernement Allemand ne refusera pas, dès que la réorganisation vétérinaire, reconnue nécessaire par les hommes compétents en Russie même, sera terminée, de reprendre en considération les questions de l'importation en Allemagne et du transit par l'Allemagne du bétail et de la viande crue de Russie.

Quant à présent, le Gouvernement Allemand a dû se borner à provoquer l'admission de quelques facilités et exceptions notamment accordées en faveur du trafic dans les rapports-frontière, savoir:—

1. Les habitants de la frontière jouissant de la faveur autonome d'importer de la Russie, en franchise de douane, de la viande jusqu'à concurrence de 2 kilog. par tête, des Décrets viennent d'être publiés autorisant, dans les limites de cette faveur, l'admission de la viande de porc non cuite. Toutefois, cette concession n'est faite qu'à la condition que les autorités Russes prêtent leur concours efficace pour empêcher des abus qui pourraient résulter de cette concession.

Sous les mêmes conditions, et pour la même durée, cette concession a été étendue aux provisions de bouche dont il est question au § 8 de la 4^e partie du Protocole Final du Traité de Commerce conclu entre les deux pays.

2. Le Gouvernement Allemand aura soin d'augmenter dans les districts-frontière le chiffre des vétérinaires chargés des inspections des chevaux, respectivement le nombre même des inspections, et d'établir, dans la mesure du possible, aux endroits pour lesquels la nécessité en aurait été démontrée par le Gouvernement Russe. L'inspection sera facilitée de manière qu'elle pourra avoir lieu même dans le courant des quatre semaines qui suivent la dernière inspection, et qu'à partir de chaque nouvelle inspection se datera un autre délai de quatre semaines.

Le supplément récemment publié du Répertoire Douanier Allemand vient au devant du désir énoncé par le Gouvernement Russe par rapport aux provisions de fourrage.

3. Le foin et la paille pressés (même pressés à la frontière) ont été admis à transiter l'Allemagne à la condition que le transport se fasse dans des wagons plombés, soit fermés, soit couverts.

Le foin et la paille provenant des districts-frontière Russes, et le fourrage des districts-frontière Allemands, sont admis en

état non pressé. Il est toutefois entendu que dans le cas où une épizootie et notamment celle de la fièvre aphteuse, de la pneumonie, du charbon ou de la morve, venait à éclater dans le lieu de provenance, cette concession pourrait subir des restrictions conformément à l'Article V du Traité de Commerce, et sous la condition d'information préalable dans le sens du No. II du présent Protocole.

II.—*Échange d'Informations réciproque.*

Conformément au principe prévu dans le § 20 de la 4^e partie du Protocole Final du Traité de Commerce, le mode suivant d'un échange d'informations réciproque sera établi.

Les mesures locales émanées—de propre initiative—d'un Chef d'Arrondissement (Landrath en Allemagne, Natchalnik ouiesda, isprawnik en Russie) seront directement communiquées aux Chefs d'Arrondissement respectifs de l'autre pays. Cette communication comprendra en même temps les motifs de la mesure, à moins que la nature de celle-ci ne rende superflue leur indication.

Les mesures émanées en Allemagne d'un Président-en-chef de province ("Oberpräsident") ou d'un Président de Régence ("Regierungspräsident"), et en Russie d'un Gouverneur-Général ou d'un Gouverneur, seront communiquées, de part et d'autre, au fonctionnaire respectif ayant le rang correspondant. La communication des motifs de ces mesures se fera par voie diplomatique.

Les mesures émanées des autorités centrales des deux pays, y compris les motifs, seront communiquées réciproquement par voie diplomatique.

Il est entendu que les informations concernant les mesures vétérinaires seront communiquées, de part et d'autre, d'avance, si faire se peut, et au plus tard dès qu'elles seront édictées.

Les deux Gouvernements échangeront des Tableaux dénominatifs indiquant, de part et d'autre, les autorités entre lesquelles l'échange réciproque devra avoir lieu conformément au mode sus-indiqué.

III.—*Questions Douanières.*

1. Les Délégués Allemands ont remis à ceux de la Russie un Tableau constatant les mesures prises de la part de l'Allemagne pour accomplir les conditions prévues par le § 1 de la 4^e partie du Protocole Final du Traité de Commerce.

2. La Douane Allemande de Gurzno vis-à-vis de Karw sera transférée à la frontière dès que la construction, d'ailleurs déjà commencée, des localités nécessaires sera achevée. La possibilité en est prévue pour le 1^{er} Novembre (n.s.) de l'année courante. Du

reste des mesures seront prises dès à présent pour admettre plus fréquemment le transport sous surveillance douanière des marchandises de la frontière vers la station.

3. Le Gouvernement Allemand a procédé aux mesures nécessaires pour pouvoir admettre à Herby, dans le plus bref délai possible, l'expédition en transit des marchandises Russes, en tant que la douane correspondante du côté de la Russie sera munie des attributions analogues.

Du reste le Gouvernement Allemand informera d'avance celui de la Russie du terme exacte auquel cette admission pourra avoir lieu.

4. Le Gouvernement Allemand consent en principe, mais sous réserve de révocation en cas d'abus, que le bétail Russe provenant de la bourgade de Boleslawice puisse traverser la frontière pour pâturer sur les terrains situés en Allemagne et appartenant à cette bourgade ou à des particuliers-propriétaires du bétail. Toutefois cette concession est subordonnée à la condition que la bourgade de Boleslawice soit libre d'épizooties et que des vétérinaires Allemands soient admis en tout temps sur le territoire de cette bourgade pour y faire les constatations nécessaires par rapport à l'état vétérinaire de l'endroit, ainsi que du bétail destiné à pâturer au delà de la frontière. Ces constatations, pour autant qu'elles auront lieu à l'initiative des autorités Allemandes et à des termes désignés d'avance par ces dernières, seront gratuites.

En outre, dans le but d'empêcher la contrebande du bétail Russe, le Gouvernement Allemand demanderait les garanties nécessaires pour pouvoir constater l'identité des bestiaux.

Les dispositions qui précèdent entreront en vigueur dès l'ouverture du pâturage au printemps prochain.

5. Le Gouvernement Russe a donné les ordres nécessaires afin que—

(a.) A partir du $\frac{1}{2}$ Janvier courant les marchandises visées par les numéros 1, 2, 3, et 5 de la Circulaire Russe du ^{25 Août} 8 Septembre, 1896, soient frappées à leur entrée en Russie par les droits perçus jusqu'à la mise en vigueur de la dite Circulaire ; et

(b.) A partir du ^{26 Janvier} 7 Février, 1897, les objets énumérés dans l'Annexe ci-jointe payent, à leur entrée en Russie, les droits qui y sont indiqués.

6. Pour ce qui concerne les effets et le mobilier personnels des Consuls de carrière Allemands, le Ministre des Finances de Russie se déclare disposé à accorder une faveur dépassant le chiffre de réduction des droits d'entrée actuellement établi, tout en se réservant de prendre la décision après examen dans chaque cas spécial.

Le même Ministre se déclare disposé en principe à restituer

les attributions spéciales qu'il avait accordées à certaines douanes-barrières.

8. Par rapport au système des amendes douanières, dont la modification a été prévue par le § 15 de la 4^e partie du Protocole Final du Traité de Commerce, le Gouvernement Russe, en constatant que les travaux préparatoires pour cette réforme sont déjà en train, s'engage à réaliser sa promesse aussitôt que faire se pourra.

9. Quant aux plaintes des intéressés Allemands concernant la question des taxes les Délégués Russes se réfèrent à la Circulaire du Département des Douanes datée du 28 Novembre, 1896 (н.с.).

IV.—*Navigation Fluviale.*

Quant à l'arrangement spécial prévu dans la 1^{re} partie du Protocole Final du Traité de Commerce sur l'exercice de la navigation sur le Niemen, la Vistule, et la Wartha, le Gouvernement Russe—

1. Consent à admettre les bateaux à vapeur Allemands pour passagers sur le Niemen jusqu'à Georgenburg à la condition toutefois, acceptée par l'Allemagne, que les bateaux à vapeur Russes pour passagers soient admis jusqu'à Schmaleningken et qu'ils puissent hiverner dans ce port ;

Cette admission entrera en vigueur, de part et d'autre, dès l'ouverture de la navigation de cette année ;

2. Consent à admettre le timbrage, par les Chambres Douanières Russes établies aux bords de la Vistule, des lettres de voiture et des connaissements pour la cargaison des bateaux à destination de l'Allemagne ;

3. Se propose d'introduire en Russie pour la navigation fluviale le système du jaugeage, et se déclare disposé à s'entendre, en son temps, avec l'Allemagne pour la reconnaissance réciproque des documents certifiant ce jaugeage.

Pour le reste de l'arrangement les deux Gouvernements s'entendront, si nécessité il y a.

V.—*Formalités de Passeports et Relations Limitrophes.*

1. La Russie accorde une durée de vingt-huit jours pour la validité des cartes de légitimation avec le droit pour le porteur, comme c'est le cas à présent, de passer la frontière à plusieurs reprises. Ces cartes de légitimation, rédigées en deux langues, en Russe et en Allemand, ne seront délivrées, de part et d'autre, qu'aux nationaux et aux ressortissants de l'autre pays domiciliés dans le pays où les cartes sont délivrées.

2. Il est entendu que les ouvriers Russes qui passent en Allemagne pour y être occupés à des travaux agricoles ou ayant rapport à l'agriculture seront munis gratuitement de papiers de légitimité valables pour la durée de huit mois fixée provisoirement du 1^{er} Avril au 1^{er} Décembre (n.s.). Ces papiers seront rédigés en Russe et en Allemand.

Les documents mentionnés sous les numéros 1 et 2 seront délivrés à l'usage au plus tard dès le 1^{er} Avril (v.s.) de cette année.

3. Les Délégués Allemands ont remis à ceux de la Russie une liste des autorités chargées en Allemagne de la réintégration des voyageurs (§ 22 de la 4^e partie du Protocole Final du Traité de Commerce).

Au moment de signer le présent Protocole les Soussignés sont convenus que les concessions faites de part et d'autre seront réalisées, à défaut de l'indication, dans ce Protocole même, d'un terme spécial, dans le plus bref délai possible.

En foi de quoi ce Protocole a été signé, en double expédition, à Berlin, le 9 Février, 1897.

(L.S.) BARON DE MARSCHALL.

(L.S.) REICHARDT.

(L.S.) COMTE D'OSTEN-SACKEN.

(L.S.) DE TIMIRIASEFF.

Annexe.

1. STROKNADELN aus Eisen oder Stahl, nicht zum Schmuck bestimmt gleichviel ob sie mit Köpfen aus Metall oder mit kugelförmigen Köpfen aus schwarzem, einfarbigem oder marmorirtem Glas, welche nicht unter die Rubrik der künstlichen Steine fallen, versehen sind, zählen, wenn sie einschliesslich des Nadelkopfes nicht länger sind als 2½ Zoll russisch (6.35 cm.), und die Zollämtern zugesandten Mustercollectionen von Nadeln der hierher gehörigen Art entsprechen, den Zollsatz für Drahtfabrikate aus Eisen oder Stahl nach Art. 156 Punkt 1 des Tarifs.

2. Die in Art. 57 Punkt 5 genannten Waaren aus Sämisch- und Glacé-Leder, Saffian, und Pergament unterliegen dem in diesem Punkte bestimmten Zolle, selbst in dem Falle, wo Seide und Halbseide eine Verzierung sowohl der inneren als auch der äusseren Theile bilden, und zwar unter der Bedingung, dass diese Verzierung den Charakter der Lederwaaren nicht ändert.

3. Uhrwerke nach amerikanischem System, d. h. mit gestanzten, gebeizten lackirten, und auch polirten durchbrochenen Gestellen und ebensolchen Rädern und Hohltrieben, letztere beide nicht geschnitten, auch wenn die Aufziehfeder in geschlossenen Trommeln (eingebauten Federhäusern) untergebracht sind, zählen 60 Kop. Gold für das Stück; ein Gewichtszoll wird nicht erhoben.

*REPORT of the Lieutenant-Governor of the French Soudan,
respecting the Execution of the Brussels Slave Trade Act.—
Kaya, January 29, 1897.*

*Le Colonel de Trentinian, Lieutenant-Gouverneur du Soudan
Français, à M. le Ministre des Colonies.*

M. LE MINISTRE,

Kaya, le 29 Janvier, 1897.

Vous me demandez de vous faire parvenir les documents recueillis au Soudan et destinés à être insérés au bulletin que fait paraître annuellement le Bureau Spécial de Bruxelles.

J'ai l'honneur de vous adresser en conséquence les renseignements suivants :—

Traite des Captifs au Soudan.—Des circulaires précises et des instructions fermes ont depuis quelque temps fixé aux commandants des régions et des cercles la ligne de conduite à tenir vis-à-vis des dioulas (marchands) qui se livraient à la traite des captifs.

Ce commerce a reçu au Soudan une atteinte sérieuse, depuis la pacification complète des régions soumises à notre administration et en même temps l'apaisement par notre intervention des luttes intestines qui déchiraient les régions situées dans notre zone d'influence, par le contrôle incessant et vigilant des commandants de cercle, l'établissement de la responsabilité des Chefs indigènes en matière de fraude de cette nature. Par l'installation, depuis 1895, de postes tels que Satadougou, au sud de Kaya, sur les confins mêmes du Fouta-Djallon, hier encore repaire de pillards, aujourd'hui terre Française, par la résidence de Dinguiray, sur les mêmes frontières du Côté de Siguiri, par un réseau plus serré de postes douaniers et militaires sur les frontières du Sahel, du nord, le long du Bani et sur les confins de nos provinces du sud, la frontière s'est pour ainsi dire trouvée fermée de toutes parts. Il a, par suite, été possible de surveiller de plus près les caravanes et de les soumettre à une réglementation plus rigoureuse.

Le commerce des captifs, qui autrefois florissait sur la grande route commerciale Babo-Dioulaso-Sikasso-Bani ou Kong-Sikasso-Bani-Barveli ou Ségou-Bamanba et sur une grande partie de nos frontières du Sahel et du nord, a presque complètement disparu. Seuls quelques aventuriers hardis parviennent encore à tromper la surveillance de nos agents et échangent quelques captifs avec les Maures sur la frontière du Sahel. On sait que chez ces nomades la condition des captifs est beaucoup plus misérable que chez les peuplades noires. Aussi a-t-on cherché plus encore que partout ailleurs à enrayer ce mouvement, pour faible soit-il. Par le jeu des laissez-passer, qui obligent toute personne se déplaçant à se munir

auprès des commandants de cercle d'un papier sur lequel sont portées les personnes qui l'accompagnent, avec leur condition, il est toujours facile aux percepteurs et aux agents divers de l'autorité de se rendre compte de la fraude. La répression est toujours très dure, et, dans tous les cas, la caravane est immédiatement saisie. Les captifs libérés et les marchandises vendues au profit du Soudan. Leur condamnation purgée, les coupables sont expulsés du Soudan.

Amélioration des conditions d'existence des Captifs libérés.—Mais il ne suffit pas de donner la liberté à de pauvres hères qui souvent ne sauraient qu'en faire à la première heure et retomberaient vite sous le joug de leurs anciens maîtres ou de maîtres nouveaux. Les Articles 6 et 18 de l'Acte Général de la Conférence de Bruxelles imposent du reste aux Puissances Signataires l'obligation de protéger les esclaves libérés à la suite de l'arrestation ou de la dispersion d'une caravane, de les rapatrier si possible, ou de leur faciliter les moyens de vivre dans la contrée, de pourvoir en particulier à l'éducation et à l'établissement des enfants délaissés, et de favoriser, ajoute l'Article 88, la fondation d'établissements de refuge pour les femmes et d'éducation pour les enfants libérés.

Au Soudan, ces mesures étaient nécessaires pour tous les libérés en général, mais surtout pour les captifs arrachés aux Maures et aux Touaregs. Il semble, en effet, que ces pauvres noirs, abêtis par plusieurs siècles de captivité, soient incapables de secouer la terrible peur que leur inspirent leurs maîtres. Il s'y joint parfois une sorte de nostalgie du désert, de la vie nomade et de la tente qui les ferait bien vite retourner chez leurs maîtres si la précaution n'était prise de les placer dans des régions éloignées du Sahel et du nord. C'est généralement à Ségou qu'ils sont envoyés. Le village de liberté qui les reçoit est établi à côté de la mission des Pères blancs installée dans cette ville depuis 1895. Ils trouvent auprès de ces missionnaires actifs les soins que réclament souvent et leur misère physique et leurs souffrances morales. Ils sont souvent employés à des travaux de culture, moyennant un salaire librement consenti. Leurs enfants peuvent être instruits à la mission et deviennent ainsi plus tard nos plus précieux auxiliaires.

Comme pour tous les villages de liberté au Soudan, les commandants de cercle qui en ont la surveillance directe doivent donner gratuitement les graines nécessaires à un premier rendement de la terre et aussi pour subvenir à leurs premiers besoins. Il est recommandé de les employer, si possible, à des corvées payées, sur les routes, dans les camps en construction, &c., toutes mesures qui ont pour but de leur créer des ressources et de les rattacher ainsi à la vie libre par le sentiment de la possession.

Pères de la mission du Saint-Esprit dirigent à Dinguira et

près de Kita un établissement d'instruction pour garçons qui est en même temps une sorte de ferme-école. Les plus intelligents et aussi les plus instruits sont ensuite envoyés aux écoles professionnelles de Kayes (ateliers de menuiserie, machines, atelier d'artillerie, chemin de fer). La mission reçoit également dans un établissement annexe, dirigé par des sœurs de charité, des jeunes filles qui sont dressées à des travaux de couture, ménage, &c.

Ces jeunes filles et garçons sont instruits dans la religion Catholique, et on cherche autant que possible, à l'âge convenable, à les marier entre eux, pour les empêcher de retomber dans la brutalité des mœurs indigènes.

Les jeunes gens qui sortent des écoles professionnelles sont employés comme ouvriers dans les ateliers de l'artillerie et du génie, au chemin de fer, ou exercent librement leur métier et pour leur compte. Ceux dont l'instruction générale, acquise soit dans les écoles laïques qui fonctionnent à chaque chef-lieu de cercle, soit dans les missions, est suffisante, peuvent être employés dans les cadres des affaires indigènes comme secrétaires, commis, interprètes, percepteurs, magasiniers, &c.

Mariage des libérés.—Les captifs ayant passé trois mois dans un village de liberté reçoivent un certificat de liberté qui leur offre toute garantie. Ils peuvent alors être autorisés à se déplacer avec les membres de leur famille pour regagner leurs anciens villages, pourvu toutefois que ceux-ci soient sur des territoires d'administration directe ou soumis à notre protection efficace.

Les mariages sont permis dans le village de liberté souvent aussi entre les jeunes femmes de ces villages et les tirailleurs de la garnison. Le mariage a lieu devant le commandant de cercle et le chef du village de liberté. Le tirailleur verse une somme de 80 fr., qui est remise au Chef du village et doit servir à apporter des améliorations au village lui-même.

Enfants confiés à des familles honorables.—Malgré son bon vouloir, l'administration n'est pas en mesure d'instruire et d'élever tous les jeunes enfants rendus à la liberté. En conséquence, il est d'usage d'en confier un certain nombre, dûment munis de certificats de liberté, soigneusement inscrits aux cercles, à des négociants Européens ou indigènes offrant des garanties réelles de respectabilité et d'honorabilité, et installés dans des centres tels que Bamako, Kita, Bafoulabé, Kayes.

Quelques-uns sont également dirigés sur Saint-Louis dans les mêmes conditions et confiés à des familles honorables. Les Commandants de cercle ou le Procureur de la République, suivant le cas, sont les tuteurs légaux de ces enfants; les détenteurs en sont responsables et doivent à leur majorité rapatrier les enfants à eux confiés, s'ils le désirent.

Villages de Liberté nouvellement créés en 1896.—Région à Sahel.—1. Un village à l'extrémité ouest de la mare de Benden (route de Sokolo à Guné);

2. Un village près de Sidi-Baba, route de Sokolo à Nampala (mares de Sobéro-Beitabé);

3. Un village entre les mares de Berthoumal et de Gallon (route de Nampala à Sumpi);

4. Un village à l'embranchement de la route de Kondiourah (route de Nampala à Néré, 5 kilom. au sud de Médellah);

5. Sur la route de Sokolo à Dia;

6. Sur la route de Sokolo à Dioura;

7. Sur la route de Sokolo à Diora.

Région Nord.—Un à Goundam;

Un à Tombouctou;

Un à Djindjin près de Goundam.

Villages de Liberté.—La population des villages de liberté était en 1895 (1^{er} Janvier, 1896), de 3,868 habitants; en 1896 (1^{er} Janvier, 1897), elle s'élevait à 5,500 habitants.

Population essentiellement flottante, puisqu'à un moment quelconque de l'année les libérés munis de leurs certificats peuvent être autorisés à regagner leurs anciens villages ou à s'établir dans des villages libres ou nouvellement installés.

(Annexe 1.)—*Note Circulaire du Colonel de Trentinian, Lieutenant Gouverneur du Soudan, à tous les Commandants de Région et de Cercle.*

MESSIEURS,

De récents rapports m'apprennent qu'un assez grand nombre de captifs pénètrent dans la Soudan par nos frontières du sud et de l'est. Je vous prie de rappeler aux Commandants de cercle des frontières qu'ils doivent prendre, ainsi que le prescrit ma Circulaire du 22 Juillet, 1895, les mesures les plus rigoureuses pour empêcher le passage des captifs de traite.

Mon prédécesseur n'ayant rendu de décision relative à ces captifs que la veille de son départ de la Colonie, il lui a été impossible de fixer les règles propres à assurer son application, aussi bien que de rechercher les conséquences d'ordre général que comportait son exécution intégrale.

Il va sans dire que, selon les recommandations antérieures des Chefs de la Colonie, les Commandants de cercle devront toujours distinguer avec le plus grand soin le captif de traite du captif de case.

dès le début de la conquête des mesures très

humanitaires à l'égard de ces derniers, on a assuré une évolution rapide des noirs vers la liberté, sans cependant s'exposer à un mouvement social dangereux avec nos faibles effectifs.

Il n'y a donc aucune innovation à réaliser sur ce point.

En ce qui concerne les captifs de traite et plus spécialement la vente des enfants dans la région du Sahel, c'est surtout aux Commandants des postes placés à la périphérie du Soudan qu'il est relativement facile de surveiller le passage des Dioulas revenant de Sierra-Leone ou des territoires de Babemba et de Samory.

Le petit nombre de nos garnisons à l'intérieur du Soudan nous met dans l'obligation de reporter toute notre vigilance sur ces points où, grâce à nos troupes et à notre réseau douanier, les caravanes de Dioulas nous échappent difficilement. Vous me soumettrez d'ailleurs, dans vos prochains rapports politiques, toutes mesures de détail propres à réaliser le but poursuivi.

Kayes, le 5 Décembre, 1896.

DE TRENTINIAN, *Colonel, Lieutenant-Gouverneur.*

(*Annexe 2.*)—*Mouvement des Poudres au Soudan.*

*Le Colonel de Trentinian, Lieutenant-Gouverneur du Soudan, à
MM. les Commandants de Région, Cercle, et Poste.*

MESSIEURS,

QUELQUES Commandants de cercle ayant manifesté des divergences dans leur manière d'opérer au sujet de la vente de la poudre et des armes de guerre, j'ai l'honneur de vous rappeler qu'il y a lieu de continuer à appliquer strictement l'Ordre No. 87 du Commandant Supérieur, en date du 17 Janvier, 1893, dont ci-joint copie.

Je vous rappelle en outre que l'Arrêté No. 219 du 8 Juin, 1896, a fixé le droit d'emmagasinage des poudres de commerce, déposées dans les poudrières et autres magasins de l'État, au taux unique de 25 centimes par kilog., payé à l'entrée dans les magasins.

En ce qui concerne les frais d'emmagasinage spécial de la dynamite et du coton-poudre, il y a lieu de continuer à appliquer l'Ordre No. 89 du Commandant Supérieur en date du 22 Janvier, 1893, dont je vous adresse une copie.

Kayes, le 5 Août, 1896.

DE TRENTINIAN.

Ordre No. 87.

Le Commandant Supérieur résume comme il suit les divers ordres qui ont paru précédemment au sujet de la mise en vente des armes et de la poudre:—

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Aucune arme à feu autre que des fusils à silex n'est autorisée.

Les négociants, commerçants, ou traitants pourront vendre au Soudan des fusils à silex et de la poudre, mais la vente ne pourra être faite que dans les postes mêmes où se trouve un Commandant de cercle et seulement sur le vu d'une autorisation délivrée par le Commandant de cercle aux acheteurs.

Les Commandants de cercle sont autorisés à délivrer des permis d'achat à tous les indigènes qui leur sont notoirement connus pour habiter le cercle, et lorsqu'ils sont convaincus que la poudre et les armes ne sont pas achetées pour être revendues hors du cercle.

Tout achat d'armes à feu autre que ces fusils à silex ne pourra se faire, s'il y a lieu, qu'avec une autorisation spéciale du Commandant Supérieur. Il en sera de même pour les demandes d'achat de fusils et poudres formulées par des indigènes étrangers au Soudan.

Kayes, le 17 Janvier, 1893.

ARCHINARD.

Ordre No. 89.

Le Commandant Supérieur du Soudan

Arrête :

Les frais d'emmagasinage spécial que nécessitent la dynamite et le coton-poudre sont en totalité à la charge de l'introduitcur.

Un droit de visite de 50 fr. par kilog. sera perçu lors des visites trimestrielles faites par les soins de l'artillerie.

Kayes, le 22 Janvier, 1893.

ARCHINARD.

NOTE relative à trois Saisies d'Armes et de Munitions faites à Brazzaville, Congo Français, au préjudice de la " Société Anonyme Belge pour le Commerce de Haut-Congo. " — Libreville, le 13 Janvier, 1897.

PAR procès-verbaux des 30 Avril et 15 Mai, 1895, et da 26 Février, 1896, la Douane de Brazzaville a saisi au préjudice de la " Société Anonyme Belge pour le Commerce du Haut-Congo " :

1. Quinze caisses de trois fusils de précision, rayés, se chargeant par la culasse et munis de leurs baïonnettes (modèle Albini);
2. Cinq caisses de cinq fusils rayés, &c. (modèle Chassepot);
3. Cinquante cartouches de revolver.

Les armes et munitions dont il s'agit avaient été introduites sur

o territoire du Congo Français en violation des stipulations de "Acte Général de la Conférence de Bruxelles du 2 Juillet, 1890,* et des dispositions du Décret du 30 Décembre, 1892,† rendu pour l'exécution des Articles VIII à XIV du dit Acte. Les armes étaient arrivées de Manyanga sous le couvert de titres de mouvement sans valeur; elles auraient dû faire l'objet d'une demande de transit accompagnée d'une déclaration émanée de l'État Indépendant, aux termes des règlements susvisés. Quant aux cartouches de revolver, elles ont été trouvées dans une caisse déclarée d'un contenu inconnu.

Après plusieurs essais de justification qui ont beaucoup retardé la solution des deux premières affaires, la "Société Anonyme Belge," représentée par M. Durand, son gérant à Brazzaville, a souscrit, le 14 Septembre, 1896, trois transactions stipulant l'abandon des armes et cartouches saisies, le remboursement de tous les frais faits jusqu'à cette date, et le payement de trois amendes de 1,000 fr., 1,500 fr., et 500 fr. Il y avait deuxième récidive dans l'affaire des cartouches.

Les clauses de ces transactions ont été approuvées en Conseil privé (séance du 4 Novembre, 1896), hormis celle relative à l'abandon des fusils. Ces armes ont été, par mesure gracieuse de M. le Commissaire-Général du Gouvernement, rendues, sur leur demande, aux autorités de l'État Indépendant. Le fait est constaté par un reçu délivré à Léopoldville, le 28 Octobre, 1896, par M. le Capitaine A. van Meubeck, agissant par ordre de M. le Commissaire du district du Stanley-Pool.

Libreville, le 13 Janvier, 1897.

J. SIGOUGNE LATOUCHE,

Chef du Service des Douanes.

ORDONNANCE du Gouverneur Impérial de Cameroun, concernant l'Importation et la Vente du Matériel de Guerre.— Cameroun, le 30 Septembre, 1897.

REVU l'Ordonnance du 16 Mars, 1893,‡ concernant l'importation d'armes et de munitions, il est arrêté ce qui suit:—

§ 1. L'importation et la vente de matériel de guerre sont, par la présente, provisoirement interdites dans le district sud du Protectorat, comprenant la côte de Petit-Batanga jusque Campo et l'hinterland y attenant.

* Vol. LXXXII, page 55.

† Vol. LXXXIV, page 370.

‡ Vol. LXXXV, page 649.

§ 2. Le port de fusils se chargeant par la culasse et de cartouches destinées à les approvisionner est interdit aux indigènes et aux négociants de couleur dans le district sud du Protectorat.

§ 3. Les infractions au § 1 de la présente Ordonnance seront passibles d'une amende de 2,000 marks au maximum, amende qui, en cas d'insolvabilité, sera remplacée par une peine d'emprisonnement proportionnelle; les infractions au § 2 seront passibles d'un emprisonnement de trois mois au maximum.

Le matériel de guerre qui, à partir de la publication de la présente Ordonnance, aura été introduit dans le district sud du Protectorat, de même que celui qui y avait déjà été introduit antérieurement, mais n'avait été mis dans la circulation qu'après la publication de la dite Ordonnance, sera saisi et provisoirement retenu.

§ 4. Les différents fusils se chargeant par la culasse et les munitions y afférant, de même que ceux qui se trouveront entre les mains d'indigènes ou de négociants de couleur, en vertu de certificats de licence, devront être retirés de la circulation.

Dans le cas où le susdit indigène ou négociant serait muni d'un certificat de licence conformément au § 6 de l'Ordonnance du 16 Mars, 1893, le fusil retiré devra être conservé provisoirement par l'autorité.

Le nom du détenteur du dit fusil sera inscrit dans un registre officiel.

§ 5. La présente Ordonnance entrera en vigueur le jour de sa publication.

Cameroun, le 30 Septembre, 1897.

(L.S.) DE PUTTKAMER, *Gouverneur Impérial*.

ORDINANCE by the Administrator of German South-West Africa, respecting the Importation of Arms and Ammunition.—Windhoek, March 29, 1897.

CONFORMÉMENT au § 11 de la Loi du 15 Mars, 1888,* sur la situation juridique des Protectorats Allemands, il est arrêté ce qui suit pour toute l'étendue du Protectorat de l'Afrique Occidentale du Sud :—

Ordonnance concernant l'Importation des Armes à Feu et Munitions.

§ 1. L'Administration Impériale est seule autorisée à importer des armes à feu, munitions ou poudres, de quelque nature qu'elles soient, et à faire le commerce de ces objets.

* Vol. LXXIX, page 650.

§ 2. L'autorisation d'importer des armes à feu ou des munitions peut être accordées à des non-indigènes pour leur usage personnel, moyennant une permission écrite délivrée par l'Administration du district compétente, et pour autant qu'ils offrent des garanties suffisantes que les dites armes ou munitions ne seront pas cédées ou vendues à des tiers.

§ 3. Les fonctionnaires de l'Administration Impériale, de même que les officiers et les Européens faisant partie de la troupe du Protectorat, n'ont besoin d'aucun permis pour importer des armes et des munitions destinées à leur usage personnel ou faisant partie de leur armement.

§ 4. L'approbation de l'autorité est requise pour toute cession d'armes et de munitions faite tant à des non-indigènes qu'à des indigènes, par vente, échange, donation ou de toute autre manière.

§ 5. L'autorisation délivrée par l'Administration Impériale d'importer des armes à feu, de quelque espèce qu'elles soient, ne dispense pas de l'obligation d'acquitter, dans chaque cas particulier, le droit d'entrée établi.

§ 6. Toute arme importée qui n'est pas destiné à l'armement des personnes mentionnées au § 3 doit être estampillée et inscrite dans un registre tenu par l'autorité de police.

§ 7. En vertu de l'inscription il est délivré au détenteur un permis qui doit mentionner l'estampille de l'arme et le nom de la personne autorisée à la porter.

Le permis est valable pour un terme de cinq ans à dater du jour où il a été délivré, et peut ensuite être renouvelé.

Tout porteur d'une arme à feu est tenu d'avoir sur lui son permis et de l'exhiber, sur réquisition, aux agents de la police.

En cas d'abus constaté le permis peut être retiré, soit définitivement, soit pour un certain temps.

§ 8. Un droit de 5 marks doit être acquitté pour tout permis délivré une première fois, et un droit de 3 marks pour chaque renouvellement du permis. En cas de perte du permis il en est délivré un nouveau moyennant paiement d'un droit de 1 mark.

§ 9. Les fonctionnaires de l'Administration Impériale, ainsi que les personnes faisant partie de la troupe du Protectorat, doivent, pour les armes à feu n'appartenant pas à leur armement, se munir également d'un permis et acquitter les droits prescrits.

§ 10. Toute personne se trouvant déjà en possession d'une arme à feu doit, dans les trois mois au plus tard, à compter du jour de la mise en vigueur de la présente Ordonnance, demander à l'autorité de police l'estampillage de l'arme et la délivrance d'un permis qui, dans ce cas, auront lieu sans frais.

Ce délai expiré et jusqu'à l'expiration des trois mois suivants, l'estampillage et la délivrance du permis seront soumis au droit

de 5 marks prévu au § 8. Si, après ce dernier délai, des armes non estampillées sont encore trouvées entre les mains soit de blancs, soit d'indigènes, il y aura lieu à application des pénalités établies conformément au § 18.

Les délais précités peuvent, pour des motifs valables et pour certaines parties du Protectorat, être prolongés par Ordonnance de l'Administrateur.

§ 11. Les capitaines indigènes répondent, sur leur traitement annuel, de l'observation de la présente Ordonnance par les ressortissants de leur tribu, ainsi que de l'exécution des pénalités qu'elle commine.

§ 12. Une Ordonnance de l'Administrateur Impérial détermine les lieux de vente officiels pour les armes et les munitions ; le dit Administrateur arrête également les prescriptions nécessaires à l'exécution de l'Ordonnance.

§ 13. Les contraventions à la présente Ordonnance seront, pour autant qu'une peine plus sévère ne soit pas comminée par les lois pénales, passibles d'un emprisonnement de trois mois au maximum et d'une amende jusqu'à 5,000 marks, ou d'une de ces peines seulement. Les armes à feu, les munitions et la poudre, objets du délit, seront soumises à la confiscation.

§ 14. La présente Ordonnance entrera en vigueur le 1^{er} Janvier, 1898.

Windhoek, le 29 Mars, 1897.

(L.S.) LEUTWEIN, *Administrateur Impérial*.

CIRCULAIRE du Gouverneur-Général de l'État Indépendant du Congo, réglementant l'Importation et le Trafic des Spiritueux dans la zone de prohibition.—Boma, le 9 Mars, 1897.

Le Gouverneur-Général,

Vu l'Article 2 du Décret du 16 Juillet, 1890,* sur le trafic et le débit des spiritueux ;

Vu le Décret du 4 Mars, 1896,† étendant jusqu'au Kwilu la limite de la zone de prohibition des dits trafic et débit ;

Considérant qu'il y a lieu de déterminer d'une façon générale les conditions suivant lesquelles les non-indigènes résidant ou voyageant dans les régions au delà du Kwilu pourront être autorisés, sur leur demande, à introduire ou à recevoir dans ces

* Vol. LXXXIV, page 365.

† Vol. LXXXVIII, page 809.

régions des liquides alcooliques distillés qu'ils destinent à leur usage personnel ou à la consommation des personnes d'origine non Africaine,

Arrête :

ART. 1^{er}. Aucune boisson alcoolique distillée ne pourra être introduite ou vendue au delà du Kwilu sans autorisation écrite du Gouverneur-Général ou de son délégué.

La demande en autorisation devra énoncer les noms, prénoms, et profession des non-indigènes qu'elle concerne, et mentionner l'espèce et la quantité de liquides alcooliques distillés à introduire.

L'autorisation sera toujours révocable.

2. Les commerçants installés au delà du Kwilu et autorisés à vendre des boissons alcooliques distillées sont tenus d'avoir un registre renseignant par date, d'une part, les arrivages d'alcools et par catégorie, d'autre part, les noms et qualités des acheteurs, ainsi que les quantités fournies à chacun d'eux.

Un extrait de ce registre, ainsi qu'un inventaire des alcools se trouvant en magasin, seront trimestriellement dressés et expédiés par le propriétaire ou le gérant de chaque factorerie au Commissaire de district ou au fonctionnaire désigné par lui.

3. Le Commissaire de district ou le fonctionnaire désigné par lui est chargé de veiller à l'observation des prescriptions qui précèdent.

4. La Douane tiendra note des quantités d'alcools ou de liqueurs alcooliques distillées introduites dans la zone de prohibition. Elle prendra telles mesures de contrôle qu'elle jugera nécessaires quand des indices graves lui feront soupçonner fausses les déclarations d'introduction ; dans chaque cas elle fera rapport à la Direction des Finances sur les mesures prises et en avisera le destinataire.

5. Les contraventions aux Articles 1^{er} et 2 seront punies, conformément aux stipulations de l'Article 12 du Décret du 16 Juillet, 1890, d'une amende de 1,000 fr. à 10,000 fr., et de cinq jours à cinq mois de servitude pénale, ou d'une de ces peines seulement. Tous chefs de maisons de commerce ou autres personnes ayant des employés ou des ouvriers sous leurs ordres sont responsables des contraventions au présent Arrêté, comme il est dit à l'Article 14 du Décret du 16 Juillet, 1890.

Boma, le 9 Mars, 1897.

WAHIS, Gouverneur-Général.

CIRCULAIRE du Gouvernement de l'État Indépendant du Congo à tous les Commissaires de District, Chefs de Zone et de Poste, relative aux Coutumes Barbares en usage chez les Tribus Indigènes.—Bruxelles, le 27 Février, 1897.

MESSIEURS,

Bruxelles, le 27 Février, 1897.

COMME vous le savez, le Gouvernement n'a cessé de se préoccuper des pratiques barbares, telles que le cannibalisme, l'épreuve du poison, les sacrifices humains qui sont en usage parmi les tribus indigènes, et des moyens d'en amener la disparition.

En cette matière, comme dans toutes celles où l'on est obligé de tenir compte dans une certaine mesure de coutumes invétérées et d'un état social qu'il serait impolitique de heurter de front, le Gouvernement a cru devoir, au début, agir avec prudence et circonspection, sans toutefois rester inactif.

C'est ainsi que si les instructions premières données aux agents ne leur prescrivait pas d'employer en tous cas la répression par la force, elles leur enjoignaient d'user de leur influence et de leur autorité pour détourner, par la persuasion, les indigènes de ces pratiques inhumaines. On alla plus loin, le jour où l'autorité de l'État se fut assez consolidée autour de ses postes et stations: il fut formellement interdit de tolérer de tels usages dans un certain périmètre autour des stations de l'État ou des établissements Européens, et la loi pénale, par ses dispositions sur les attentats contre les personnes, permit de les y réprimer. En dehors de ce périmètre il appartenait au tact des officiers du Ministère Public de poursuivre ou non, selon que le permettaient la situation du pays et les forces dont y disposait l'autorité.

Ces mesures n'ont pas été infécondes. Non seulement les faits de cannibalisme sont devenus moins fréquents dans les centres occupés par les Agents de l'État, mais encore l'indigène a appris et sait aujourd'hui la réprobation dont sont l'objet de la part des blancs les actes d'anthropophagie et il n'ignore plus qu'en les commettant il encourt un châtiment. En règle générale, en effet, c'est en secret et loin des regards des Européens qu'il s'adonne encore à l'odieuse coutume, car il a la conviction que, sauf les cas exceptionnels où le blanc ne peut faire autrement, celui-ci ne le laissera pas impuni.

Le Gouvernement pense qu'un pas plus décisif encore doit être fait dans la voie de la répression. L'occupation de ses territoires par l'État devenant de plus en plus complète, ses postes se multipliant dans tout le Haut-Congo et les tribunaux réguliers prenant pied dans les régions intérieures, le moment est venu de chercher à

atteindre définitivement le mal, et de viser à son extirpation partout où notre autorité est assez implantée pour que l'on puisse imposer le respect absolu de la loi pénale.

C'est dans cet esprit qu'a été conçu le Décret du 18 Décembre, 1896, qui érige en délits spéciaux notamment les actes d'anthropophagie et l'épreuve du poison. Il entre dans les intentions du Gouvernement que ces dispositions reçoivent une sévère application, et le présent Circulaire a pour but de prescrire à tous nos agents de déférer à la justice les délits de ce genre qui parviendraient à leur connaissance. Les officiers du Ministère Public auront à exercer des poursuites contre les délinquants sans que, en cette matière spéciale, ils puissent, par application de l'Article 84 du Décret du 27 Avril, 1889, les abandonner à la juridiction du Chef local et à l'application des coutumes indigènes. Il est clair, en effet, que cette faculté ne se comprend plus, lorsque précisément il s'agit de délits contraires aux principes de notre civilisation et résultant d'usages dont la disparition est poursuivie.

Le Gouvernement compte sur le concours de tous pour assurer une répression sûre et rapide de ces délits, et estime que quelques exemples sévères seront d'une puissante efficacité en vue d'amener l'indigène à mettre fin à ces pratiques condamnables. Les Commissaires de district et les Chefs de station ont pour devoir de faire, à cet égard, la police des territoires soumis à leur commandement et de prendre les mesures nécessaires pour être renseignés exactement.

Le Directeur de la Justice adressera trimestriellement un rapport au Gouvernement sur la pratique du cannibalisme, les faits d'anthropophagie poursuivis, et, le cas échéant, sur les nouvelles dispositions à prendre pour enrayer et extirper cette coutume.

NOTICE respecting the Importation of Alcoholic Liquors into the British East Africa Protectorate.—Mombasa, July 12, 1897.

WHEREAS it is provided in the Ordinance for the restriction of the importation of alcoholic liquors into Zanzibar, dated the 15th June,* and published in the "Zanzibar Gazette" of the 30th ultimo, that from and after six months from the aforesaid date of the 15th June no distilled or alcoholic liquors shall be imported, whether by land or sea, into any of the territories administered by

or for His Highness the Sultan of Zanzibar otherwise than in accordance with that Ordinance, which is thus rendered applicable to the mainland dominions of His Highness, as well as to the Islands of Zanzibar and Pemba;

And whereas certain Articles of the said Ordinance provide for its application by the Government of His Highness the Sultan of Zanzibar, but not for its application by the officers administering for His Highness' dominions on the mainland, and some doubt and uncertainty may thereby be occasioned, it is hereby notified that Her Majesty's Commissioner and Consul-General has, in virtue of the powers in him vested, and subject to the approval of Her Majesty's Principal Secretary of State for Foreign Affairs, issued the following—

Notice.

1. Where in Article 2 of the said Ordinance it is provided that special exceptions may be made by the "First Minister," for the words "First Minister" are substituted, and shall be read in the mainland portions of His Highness' dominions, the words "Commissioner and Consul-General."

2. In Article 4, for the words "Government mark H. H. G." are substituted, and shall be read in the mainland portions of His Highness' dominions, the words "Government mark E. A. P."

3. In Article 6, for the words "Her Majesty's Agent and Consul-General" are substituted, and shall be read in the mainland portions of His Highness' dominions, the words "Her Majesty's Commissioner and Consul-General."

4. In Article 7, for the words "Ordinance of the 31st May 1892," are substituted, and shall be read in the mainland portion of His Highness' dominions, the words "Notice of the 1st October 1896."

ARTHUR H. HARDINGE, *Her Majesty's
Commissioner and Consul-General.*

*ORDINANCE for the Restriction of the Importation of
Alcoholic Liquors into Zanzibar.—Zanzibar, June 15.
1897.*

WHEREAS it is provided by Article XCI of the General Act of the Conference of Brussels,* to which both Her Majesty the Queen

* Vol. LXXXII, page 55.

and His Highness the Sultan of Zanzibar are Parties, that the importation of distilled liquors shall be prohibited by the several Powers having possessions or Protectorates situated within the region of the zone defined in Article XC of that General Act, wherever, either on account of religious belief or from other motives, the use of distilled liquors does not exist or has not been developed;

And whereas it is further provided by the same Article that each Power shall determine the limits of the zone of prohibition of alcoholic liquors in its possessions or Protectorates, and shall be bound to notify the limits thereof to the other Powers within the space of six months, and also that the above prohibition can only be suspended in the case of limited quantities destined for the consumption of the non-native population, and imported under the system and conditions determined by each Government;

And whereas notice was given by Her Majesty's Government to the several Powers signatory to the Brussels Act by a Circular, dated London, the 6th April, 1892,* that Her Majesty's Government had decided that the British Protectorate of Zanzibar, including all the dominions of the Sultan, both on the islands and on the mainland, should be placed under the terms of Article XCI of the Act of Brussels from that date;

And whereas by the same notice it was stated that Her Majesty's Agent and Consul-General had been directed to notify, in accordance with the terms of Article XCI, the system and conditions determined by the Protecting Power under which limited quantities might be imported for the consumption of the non-native population;

And whereas it has been found necessary to impose further restrictions in order to regulate the introduction and sale of the limited quantities of alcoholic liquors which may be so introduced, it is hereby enacted as follows:—

1. From and after six months from this date no distilled or alcoholic liquors shall be imported, whether by land or sea, into any of the territories administered by or for His Highness the Sultan of Zanzibar, otherwise than in accordance with this Ordinance.

2. For the use of the non-native population only there shall be admitted a limited quantity of distilled or alcoholic liquors imported in bottles, packed in cases, and of a declared value, supported by invoice or other documentary evidence as required, of not less than 18 rupees per dozen reputed quarts, or 9 rupees per dozen reputed pints, and so in proportion if bottles of other sizes

* See British Note of April 22, 1892. Vol. LXXXIV, page 404.

be used; or, if imported in casks, of a declared value of not less than 5 rupees per liquid gallon, and bearing the brands of well-known European producers of the higher kinds of spirituous liquors.

With each consignment the consignee shall give a written guarantee that none of the liquor shall be sold to any native by him, that is to say, any person born in Africa not being of European race or parentage, and no person, whether he is the possessor of a licence or not, shall sell any imported, distilled, or alcoholic liquor to any native as herein defined.

Special exceptions may be made at the discretion of the First Minister, or Director of Customs acting on his behalf and under his sanction, in favour of respectable natives of European Colonies in Africa in which the importation of spirituous liquors is permitted.

3. Not more than 500 cases, containing 12 quarts or 24 pints in each case, or, in casks, a total quantity not exceeding 1,000 gallons, shall be withdrawn by any firm or individual in any one period of six months, unless in virtue of a special permit granted by the Government.

4. All liquors admitted shall be deposited in the custom-house, and only be withdrawn as actually required on application in writing being made to the Collector of Customs. The casks and cases containing them shall, before their withdrawal from the custom-house, be stamped with the Government mark "H. H. G." They will be stored free of rent for a period of six months. Duty will be taken only when they are actually removed, save in the case of liquors awaiting transshipment, which are free if shipped for their original port of destination within six months of their arrival, and in the interval have not changed owners.

5. No importer of, or trader in, such liquor shall be permitted to withdraw more than twenty-five cases within any one period of twenty-four hours, and on making an application to do so he shall, if so required, make a declaration stating that he has not at that moment within warehouses more than 100 cases in addition to those which he wishes to withdraw.

6. Should any doubt arise as to the interpretation of any of the above provisions, the question shall be submitted to a Commission consisting of three independent merchants nominated by Her Majesty's Agent and Consul-General, and their decision shall be final.

7. Nothing in the above provisions shall be held to repeal any provision of the Ordinance of the 81st May, 1892,* respecting

licences for the sale of liquors, which is and remains in full force.

8. Any person who imports or sells distilled or alcoholic liquor in breach of this Ordinance shall be guilty of an offence, and, on conviction, liable to a fine not exceeding 1,000 rupees, and any liquor in respect of which the offence is committed shall be forfeited; and if the offender is the holder of a licence for the sale of alcoholic liquor, his licence shall be liable to forfeiture.

9. Any person who makes a false declaration in regard to the value and description of liquors imported under this Ordinance shall, on conviction, be liable to a fine not exceeding 400 rupees.

LLOYD WM. MATHEWS, *First Minister of
the Zanzibar Government.*

ARTHUR H. HARDINGE, *Her Majesty's
Agent and Consul-General.*

Zanzibar, June 15, 1897.

*PAPERS relating to the Arbitration in the Dispute between the Governments of Great Britain and the Netherlands in the Case of the Costa Rica Packet.—November 1895 to March 1897.**

No. 1.—*Memorandum in support of the Demand of the British Government from the Netherland Government in the matter of the British Ship Costa Rica Packet, of Sydney, New South Wales, pursuant to the Convention of the 16th May, 1895,† made between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and Her Majesty the Queen of the Netherlands, and in her name Her Majesty the Queen-Regent of the Kingdom.—November 1895.*

A DIFFERENCE has arisen between the British and Netherland Governments, which is set forth in the preamble to the above-mentioned Convention of the 16th May, 1895,† and is therein stated as follows:—

“Considering that the British Government has preferred certain claims against the Government of the Netherlands on account of the arrest and preventive detention in the Netherland Indies of Mr. Carpenter, master of the whaler *Costa Rica Packet*, of Sydney, and that these claims relate not only to the injuries which, according

* The references in Nos. 2, 3, and 4 refer to the pages of the Parliamentary Paper “Commercial No. 3 (1897).”

† Vol. LXXXVII, page 21.

to the British Government, were sustained by the said master personally, but also to those which were suffered by the officers, crew, and owners of the said vessel, and which must be considered as being the necessary consequences of the preventive detention of the master.

“Considering that the Government of the Netherlands disputes the validity of each of these claims, maintaining that no indemnity should be chargeable to the Netherland Government on account of the arrest and preventive detention of the said master, either in favour of the master, or, *à fortiori*, in favour of other persons alleged to have suffered injuries which might be considered as being the necessary outcome of this preventive detention; that even if such claims could be admitted as properly chargeable to the Government of the Netherlands, it would by no means result that the injuries above mentioned alleged to have been sustained, whether by the master, the officers, the crew, or the owners of the said vessel, must be regarded as sufficiently established.”

It is to decide as Arbitrator in the matter of the above-mentioned difference that His Majesty the Emperor of Russia has appointed a jurist of undoubted eminence.

The question at issue being thus formulated by the Convention itself, it is necessary at this point to refer only to the following provisions of the Convention, viz.:—

“Article VI. In his Award, which shall be communicated by him to the two Contracting Parties, the Arbitrator, while having regard to the principles of international law, shall decide in respect of each claim preferred against the Netherland Government whether it is well founded, and if so, whether the facts on which each of these claims is based are proved.

“In such case the Arbitrator shall fix the amount of the indemnity due by the Netherland Government on account of the injuries sustained by the master of the *Costa Rica Packet* personally, as well as on account of the injuries which shall have been established as having been sustained by the officers, the crew, and the owners of the said vessel as the necessary consequences of the preventive detention of the master. Without prejudice to the obligation devolving on the plaintiff Party of establishing the injuries sustained, the Arbitrator may, if he thinks well, invite each Government to appoint a commercial expert to assist him in the said capacity to fix the amount of the indemnity.”

In an Appendix to this Memorandum is set out the evidence upon which the claimants rely as supporting the material facts as they are summarized in this Memorandum. Such evidence consists in brief of the testimony of witnesses orally given on oath before a Committee of the Legislative Council of New South Wales

appointed to inquire into the matter in question, and the Report of that Committee unanimously approved by the said Legislative Council; the declarations of persons having a knowledge of the facts, and made on oath before officers legally empowered to administer oaths; documentary evidence, being records of the facts relied upon; statements by persons, which, though not made on oath, are put forward as worthy of consideration and credit; and admissions of the Netherland Government or its agents.

The material facts as proved are shortly as follows:—

The *Costa Rica Packet* was a British ship, registered as such in accordance with the law in that behalf at the port of Sydney, in the British Colony of New South Wales. She was registered as owned by a British Company named "Burns, Philp, and Co. (Limited)," of Sydney, New South Wales, which, in fact, represented a Syndicate composed of British subjects resident in the said Colony. The said ship has been specially fitted out and sailed as a whaler under the British flag, for catching whales in the Moluccas Seas, on a series of voyages during the whaling seasons covered by the years 1887-91; on each voyage the *Costa Rica Packet* was commanded by Mr. John Bolton Carpenter (as master), a naturalized British subject. As will be seen later on, special knowledge of the Moluccas Seas and the currents there prevalent, and of the habits of the whales frequenting them, and of the places where they could be found at any particular time, had been acquired and was possessed by Mr. Carpenter, and this fact, together with the high character he bore in the Colony, led to just anticipations being entertained of the profit to be derived from any whaling cruise by a vessel of which Mr. Carpenter was the master, and was the chief inducement to undertaking the enterprise. The whaling season in the seas above referred to is from about the 1st November to the 10th January. In the course of the season 1887-88 the *Costa Rica Packet*, having been engaged in whaling, found herself in January 1888 to the northward of the Island of Boeroe.

On the 24th January, 1888, occurred the events which were made by the authorities of the Netherland Indies the alleged occasion for the "arrest and preventive detention in the Netherland Indies of Mr. Carpenter," mentioned in the preamble to the Convention of the 16th May, 1895.

On the morning of the 24th January, 1888, there was sighted from the *Costa Rica Packet* what appeared at first to be a log floating about a mile from the vessel, but was ascertained to be a water-logged derelict prauw (i.e., native Malayan boat), without outriggers, of about a ton burden. The position was ascertained by three cross-bearings and marked on the chart at the time, and

the *Costa Rica Packet* was, at the time when the derelict prauw was found and brought to the vessel, in latitude $2^{\circ} 32'$ south and longitude $125^{\circ} 20'$ east, and about 32 miles distant from the nearest land. Two boats were put off from the ship, which finding there were goods in the prauw towed her alongside the *Costa Rica Packet*. There were taken from the prauw and put on the deck of the *Costa Rica Packet* ten cases of gin, three cases of brandy, and one tin of kerosene oil. The contents of the gin and brandy bottles were of no great value, as they had been largely damaged by sea-water, which had penetrated the sago-pith corks with which the bottles were stoppered. The bottom of the tin of kerosene oil fell out when the tin was handled. The prauw itself was cast loose, and was of no value. There were no persons in the prauw, and it was not only derelict, but bore signs of having been long derelict. The prauw was water-logged, full of water, and with a hole stove in her bottom, and the boat and contents were covered with slime, and this and other circumstances indicated to the master and sailors of the *Costa Rica Packet* that she had been in the water a long time. The prauw was without name or flag or mark of any kind.

Finding that the crew of his vessel were drunk from indulging in the contents of the cases taken on board and were fighting, and that the continued presence of the spirits on board was dangerous to the discipline of the vessel, Mr. Carpenter ordered the whole of the spirits to be thrown overboard, and they were accordingly all so thrown away, except that, secretly and without the knowledge of Mr. Carpenter, some of the crew kept back and concealed some of the spirit, which had been put by them into two boxes and stowed away in the ship's hold.

There can be and is no question, having regard to the above facts, that the finding of the prauw and the salvage of its contents and the subsequent throwing of them overboard, occurred on the high seas and outside Netherland territorial waters. Indeed, Baron de Dedem, the Netherland Colonial Minister, on the 14th August, 1892, stated to Her Majesty's Minister at the Hague that it had been ascertained that the offence with which the master of the *Costa Rica Packet* had been charged had occurred outside Dutch territorial waters.

It is desired here to emphasize the fact that the acts above detailed were done on the high seas by British subjects belonging to a British ship sailing under the British flag, and owned by British subjects, and were done by British subjects belonging to and actually upon a British ship or upon her boats, and operating immediately therefrom. Under these circumstances, the acts were done within the exclusive jurisdiction of the British Government and British law and must be judged accordingly, and the municipal

law of the Netherlands, which can be operative only within Netherland territory, could in no way bind the master and crew of the *Costa Rica Packet*, nor qualify the nature of the acts done by them. They owed no allegiance to the Netherland Government, no obedience to its municipal laws, and were, therefore, at liberty to disregard those laws. It is maintained that for a foreign Government to assert jurisdiction over a British ship or those belonging to her on the high seas, or over the acts of those on or belonging to a British ship done on or from such ships or boats upon the high seas, constitutes and is an infringement and usurpation of British sovereignty; to enforce it is an offence against the British State, and a wrongful act done to the British subject upon whom the jurisdiction is enforced. Whether such enforcement has been wilful or by mistake is matter to be considered as aggravating or mitigating the offence (as the case may be); in either case the action is in deed an usurpation of British sovereignty and a wrongful act as regards the British subject.

Vattel, lib. ii, cap. vi, says :—

“Whoever uses a citizen ill indirectly offends the State, which is bound to protect this citizen; and the Sovereign of the latter should avenge his wrongs, punish the aggressor, and, if possible, oblige him to make full reparation; since otherwise the citizen would not obtain the great end of the civil association, which is safety.”

It is submitted that, as well by international and constitutional law as by the common consent of nations, the laws of a State have no application to foreigners beyond the territorial limits of that State; and that if they are declared by that State to have an extra-territorial application, such application is limited to subjects of that State who may fall within its provisions. The fundamental principle which governs the application of laws is expressed in the maxim: “*Extra territorium jus dicenti impune non paretur.*” No general propositions are clearer than these:—All persons are subject to the laws of a country in which they are; no person is subject to the laws of a country in which he is not. The only exception is that subjects may be legislated for by their own Legislature even though they are abroad, the enforcement of any punishment being reserved till such time as they return to their own country.

These principles are of equal force on the high seas. In ships on the high seas no one is subject to any jurisdiction but that of his own country or of the country to which the ship belongs. The laws of other countries do not bind him, and he may disregard them with impunity.

It is deemed to be unnecessary to cite authority for the above
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propositions, as they are too well established and too generally accepted to be now disputable. It may be useful, however, to refer for the purpose of illustration and explanation to some of the accepted authorities touching on these positions.

Story says (page 754, sec. 539):*—

"Foundation of Jurisdiction.—Considered in an international point of view, jurisdiction, to be rightfully exercised, must be founded either upon the person being within the territory, or upon the thing being within the territory; for otherwise there can be no sovereignty exerted, upon the known maxim, 'Extra territorium jus dicenti impune non paretur.' Boullenois puts this rule among his general principles. The laws of a Sovereign rightfully extend over persons who are domiciled within his territory and over property which is there situate. Vattel lays down the true doctrine in clear terms: 'The sovereignty,' says he, 'united to domain, establishes the jurisdiction of the nation in its territories, or the country which belongs to it. It is its province, or that of its Sovereign, to exercise justice in all places under its jurisdiction, to take cognizance of the crimes committed and differences that arise in the country.' On the other hand, no sovereignty can extend its process beyond its own territorial limits to subject either persons or property to its judicial decisions. Every exertion of authority of this sort beyond this limit is a mere nullity, and incapable of binding such persons or property in any other Tribunals."

F. de Martens says (page 402, sec. 78):†—

"Le Droit au Respect.—Un État, comme personne internationale, jouit, au même degré qu'un particulier, du droit d'être moralement respecté. Toute atteinte à son honneur exige une réparation. Un État qui ne peut pas défendre son honneur perd le droit au respect et à l'indépendance, car l'un ne va pas sans l'autre."

Page 444, sec. 4:—

"L'État a le devoir de défendre ses sujets et leurs intérêts légitimes contre les empiètements des Gouvernements étrangers. Dans ce but tous les États entretiennent des Agents Diplomatiques et Consulaires, dont le principal devoir est de protéger les droits et les intérêts de leurs nationaux. Les lois ne précisent pas d'ordinaire les circonstances et les limites dans lesquelles cette protection doit être exercée. Sous ce rapport chaque Gouvernement doit se conduire surtout d'après le sentiment de sa dignité et du devoir

* "Commentaries on the Conflict of Laws, Foreign and Domestic," by J. Story, LL.D., 8th ed., 1833.

† "Traité de Droit International," par F. de Martens, traduit du Basse par Alfred Léo, 1833.

général qui lui incombe de représenter ses sujets dans les relations internationales."

Page 454, sec. 88 :—

"Il n'est pas nécessaire de démontrer combien il importe que les frontières d'un État soient exactement établies. La frontière marque les bornes jusqu'où s'étend l'action de la souveraineté territoriale et des lois. Elle indique l'endroit où s'arrête la puissance d'un État et où commence l'autorité de l'État voisin. Par conséquent, ne fût-ce qu'au point de vue de l'administration intérieure, on doit souhaiter que les frontières ne soient pas l'objet de la moindre contestation. Cela importe encore davantage pour la bonne harmonie des relations extérieures; car les différends à l'occasion des questions de frontières ont l'inconvénient de gêner les transactions entre les territoires limitrophes."

Page 491, sec. 96 :—

"De nos jours on admet comme axiome du droit international positif que l'océan est entièrement libre et qu'aucun État ne peut y exercer sa puissance, quand même, en fait, il aurait les moyens d'y dicter la loi aux autres pays. Il s'ensuit que tous les navires, quand ils sont en pleine mer, obéissent exclusivement à l'État dont ils portent le pavillon. Cette règle sert de point de départ à beaucoup d'autres règles juridiques de droit international public, privé, ou criminel, qui ont incontestablement une immense importance pour les relations et les transactions universelles par mer."

Page 496, sec. 97 :—

"Le principe de la liberté de l'océan est fertile en conséquences juridiques et pratiques extrêmement importantes. L'océan est libre pour la navigation et les communications de tous les peuples. Il ne peut être interdit à aucune nation de s'adonner en pleine mer à la pêche et à d'autres entreprises pacifiques. Si toutes y possèdent un droit égal, il s'ensuit qu'aucun État ne peut y imposer ses lois aux autres, faire passer en jugement des navigateurs ou marins étrangers, ni arrêter ou visiter des navires d'un autre pays. Tous les navires qui se trouvent en pleine mer sont soumis exclusivement à la juridiction de leur propre Gouvernement. Tous, et particulièrement les flottes et les navires de guerre, y sont considérés comme des portions détachées de la patrie."

Bluntschli ("Das Moderne Völkerrecht der Civilisirten Staten," A.D. 1871) says :—

"§ 317. Die Schiffe werden als schwimmende Gebietstheile des Landes betrachtet, dem sie nach ihrer Nationalität angehören und dessen Flagge sie zu führen berechtigt sind.

"(n.) Die Völkerrechtliche Annahme, dass die Schiffe, welche von dem Lande her, welchem sie angehören, auf die offene See hinausfahren, gleichsam wandernde oder schwimmende Theile des

Territoriums seien—Vattel nennt das Schiff 'portion du territoire,' I, 19—ist schon ziemlich alt, und hat einen natürlichen Grund in dem fortwirkenden nationalen Zusammenhang des Schiff mit dem Lande der in der Flagge symbolisch dargestellt wird, in dem Schutzbedürfniss des Schiffs gegen feindliche Angriffe und in der Ausdehnung der nationalen Macht und des nationalen Verkehrs durch die Kriegs- und Handels-marine. Daher ist es auch sehr wichtig die Nationalität der Schiffe klar zu stellen. . . . Für Kriegsschiffe war dieselbe" (d. h. die Anerkennung jenes Satzes) "unvermeidlich weil in dem Kriegsschiff die bestimmte Staatsmacht handgreiflich fühlbar war. Aber die Angehörigkeit der Handelsschiffe an den Stat, dessen Flagge sie führen, ist ebenso unzweifelhaft."

"§ 318. Wenn die Schiffe auf offener See fahren, so erstreckt sich die Gebietshoheit ihres States ungehemmt auf den Bereich der Schiffe und den Theil des Meeres, in welchen das Schiff sich gerade befindet.

"(n.) Eine blosse Folge dieses Satzes ist die Begründung der statlichen Gerichtbarkeit. Das gilt aber nicht bloss von Vergehen, die innerhalb des Schiffes, sondern auch von solchen, welche etwa von schwimmenden Schiffsgenossen um dasselbe her verübt worden sind."

"§ 339. Keinem State kommt im Zustande des Friedens eine öffentliche Gewalt über fremde Schiffe auf offener See zu. Die Flagge deckt das Schiff.

"(n.) Es ist das die Consequenz der beiden Sätze (a) dass das offene Meer von jeder besonderen Statsgewalt frei ist, und (b) dass die Schiffe schwimmende Theile ihres nationalen Statsgebiet sind (§ 317). Auf jedem Schiff dauert also das einheimische Recht und die einheimische Statsgewalt fest wenn es auf offener See ist und von jedem Schiff ist alle fremde Statsgewalt ausgeschlossen."

Lord Stowell (Sir W. Scott) as Judge in a case—that of the ship *Le Louis*—pending in the British High Court of Admiralty, in delivering judgment, said (referring to the high seas):*—

"In places where no local authority exists, where the subjects of all States meet upon a footing of entire equality and independence, no one State, or any of its subjects, has a right to assume or exercise authority over the subjects of another."

Sir Robert Phillimore says (Vol. i, page 458):†—

"It will be sufficient to remark here that the right of jurisdiction and authority over a merely *commorant foreigner*, though he be *subditus temporarius*, does not extend to compelling him to

* Dodson's Admiralty Cases, vol. ii, page 243.

† Phillimore's "Commentaries on International Law," 3rd ed., 1879.

render civil or military services, or to the power of trying or punishing a foreigner for an offence committed in a foreign land. . . . So long as there are different States with different laws, no single State can have a right to punish, by its own laws, citizens of another State for offences committed in places over which it has no jurisdiction, or to punish according to what it may conceive to be the law of the place where the offence was committed.

"This assumed jurisdiction is doubly reprehensible. First, as being usurpation of the rights of another State; and, secondly, as being a violation of what Heffter justly calls a ruling maxim ("herrschende Grundsatz") of all Constitutional States, that no man can be withdrawn from the Tribunal to which he is naturally and legally subject, and compelled to plead before another (Heffter, 563, n.)."

Chief Justice Marshall, of the Supreme Court of the United States, thus states the propositions contended for:—

"It is conceded that the legislation of every country is territorial, that beyond its own territory it can only affect its own subjects or citizens. It is not easy to conceive a power to execute a municipal law, or to enforce obedience to that law, without the circle in which that law operates. A power to seize for the infraction of a law is derived from the Sovereign, and must be exercised, it would seem, within those limits which circumscribe the Sovereign Power. The rights of war may be exercised on the high seas, because war is carried on upon the high seas; but the pacific rights of sovereignty must be exercised within the territory of the Sovereign. If these propositions be true, a seizure of a person not a subject, or of a vessel not belonging to a subject made on the high seas, for the breach of a municipal regulation, is an act which the Sovereign cannot authorize."

Wheaton says (Part II, sec. 78, page 133):†—

"The second general principle is that no State can, by its laws, directly affect, bind, or regulate property beyond its own territory, or control persons who do not reside within it, whether they be native-born subjects or not. This is a consequence of the first general principle (Foelix, 'Droit Int. Privé,' s. 9); a different system which would recognize in each State the power of regulating persons or things beyond its territory, would exclude the equality of rights among different States, and the exclusive sovereignty which belongs to each of them (Foelix, 'Droit Int. Privé,' s. 10)."

* *Rose v. Himely*, 4 Cranch (Sup. Ct. Rep.), page 279.

† "Elements of International Law," by Henry Wheaton, 8th ed., by R. H. Dana, 1866.

Again (Part II, sec. 106, page 169):—

“Both the public and private vessels of every nation on the high seas and out of the territorial limits of any other State are subject to the jurisdiction of the State to which they belong. Vattel says the domain of a nation extends to all its first possessions; and by its possessions we are not to understand its territory only, but all the rights (*‘droits’*) it enjoys. And he considers the vessels of a nation on the high seas as portions of its territory (Liv. I, cap. 19, sec. 216; Liv. II, cap. 7, sec. 80). . . . This jurisdiction, which the nation has over its public and private vessels on the high seas, is exclusive only so far as respects offences against its own municipal laws. Piracy and other offences against the law of nations being crimes not against any particular State, but against all mankind, may be punished in the competent Tribunal of any country where the offender may be found or into which he may be carried, although committed on board a foreign vessel on the high seas.”

Halleck says (Vol. i, pages 206, 207):*—

“It is a general rule of law that crimes are altogether local, and cognizable and punishable exclusively in the country where they are committed. No other nation, therefore, has any right to punish them, or is under any obligation to take notice of or to enforce any judgment rendered in such cases in the Tribunals of another State. . . . It may be stated in general terms that the judicial power of a State is coextensive with its legislative power, and is independent of every other State.”

Vol. i, page 215:—

“Public and private vessels on the high seas and out of the territorial limits of any other State are subject to the jurisdiction of the State to which they belong. The ocean is common to all mankind, and may be successively used by all as they have occasion. According to Vattel, the domain of a nation extends to all its just possessions, not merely possessions of territory, but also of rights it is entitled to enjoy. It has the right to navigate the ocean, which is the territory of no one, and its jurisdiction over its vessels so employed on the high seas results from this right (*‘droit’*) rather than from the jurisdiction which it is entitled to exercise over the persons who compose its fleets or man its private vessels. But this jurisdiction is exclusive only so far as respects offences against its own municipal laws, and not as respects offences against the law of nations—such as piracy—which may be punished in the competent Tribunal of any country where the offender may be found, or into which he may be carried, although committed on board a foreign vessel on the high seas.”

* Halleck's “International Law,” 3rd ed., 1893.

Sir Travers Twiss says (Chapter X, secs. 157, 158):*—

“The right of civil and criminal legislation in respect of all property and persons within the territory of a nation is an incident of the right of empire. It follows, therefore, that the laws of every nation bind of natural right all property situate within its territory, as well as all persons resident therein, whether they be natives or strangers, and that they control and regulate all the acts done or contracts entered into within its limits. . . . A nation cannot by its laws directly bind property which is beyond the limits of its territory, nor directly control persons who are not resident therein. This is a necessary consequence of the proposition advanced in the preceding section; for it would be inconsistent with the absolute character of territorial empire if the laws of a nation could bind persons or property within the territory of another nation, and so control the operation of the laws of the latter nation within its own territory. Rodenburg has accordingly observed that no Sovereign Power can of right set law beyond the limits of its territory. ‘*Constat igitur extra territorium legem dicere nemini licere; idque si fecerit quis, impune ei non pareri, quippe ubi cesset statutorum fundamentum cessant robur et jurisdictio*’ (‘*Rodenburg de Statutis*,’ Tit. I, cap. 3, § 1).’ Boullenois lays down a similar rule: ‘Of strict right, all the laws set by a Sovereign have only force and authority throughout his dominions (Boullenois, ‘*Traité des Statuts*,’ Principes Généraux, VI).’ Vattel concurs in this view when he says, ‘The empire united to the domain establishes the jurisdiction of the nation within its territory. It is its province or that of its Sovereign to exercise justice in all the places under its empire; to take cognizance of the crimes that are committed, and the differences that arise in the country (Vattel, ‘*Droit des Gens*,’ B. II, s. 84).’ No law accordingly is operative, *proprio vigore*, beyond the limits of the territory of the State which has set it (Martens, ‘*Précis du Droit des Gens*,’ sec. 86). ‘There is no doubt,’ writes Chancellor Kent (‘*Kent’s Commentaries*,’ Tom. II, sec. 457), ‘of the truth of the general proposition that the laws of a country have no binding force beyond its own territorial limits, and their authority is admitted in other States not *ex proprio vigore*, but *ex comitate*, or in the language of Huber, ‘*Quatenus sine præjudicio indulgentium fieri potest*,’” &c. Another eminent American authority, Chief Justice Parker, has recognized a similar doctrine in an elaborate judgment, in the course of which he observes that ‘the laws of a State cannot by any inherent authority be entitled to respect extra-territorially, or beyond the

* “The Law of Nations considered as Independent Political Communities,” by Sir Travers Twiss, 1884.

jurisdiction of the States which enact them; this is the necessary result of the independence of distinct Sovereignities (Blanchard v. Russell 13, Massachusetts Report, page 4)."

Page 285, sec. 173:—

"The open sea is, strictly speaking, *nullius territorium*. No nation can claim to exercise jurisdiction over its waters on any ground of exclusive possession. On the other hand, it is the public highway of nations upon which the vessels of all nations meet on terms of equality, each vessel carrying with it the laws of its own nation for the government of those on board of it in their mutual relations with one another, but all subject to the common law of nations in matters of mutual relation between the vessels themselves and their crews."

Hall says (Part I, cap. 2, sec. 10, page 51):*—

"And it being a necessary result of independence that the will of the State shall be exclusive over its territory, it also asserts authority, as a general rule, over all persons and things, and decides what acts shall or shall not be done within its dominion.

"It consequently exercises jurisdiction there not only with respect to the members of its own community and their property, but with respect to foreign persons and property.

"But as jurisdiction over the latter is set up as a consequence of their presence upon the territory, it begins with their entrance and ceases with their exit, so that it cannot, except in a particular case to be mentioned later,† be enforced when they have left the country; and with respect to acts done by foreign persons, it can only be exercised with reference to such as have been accomplished, or, at least, begun, during the presence within the territory of the persons doing them. In principle, then, the rights of sovereignty give jurisdiction in respect of all acts done by subjects or foreigners within the limits of the State, and of those acts done by members of the community outside the State territory of which the State may choose to take cognizance. In practice, however, jurisdiction is not exercised in all these directions to an equal extent."

Part II, cap. 6, sec. 77, page 264:—

"It only remains, therefore, to see what are the limits of the jurisdiction" (i.e., the jurisdiction of a State over its merchant-vessels on the high seas) "thus possessed. As might be expected, it is sufficient to provide for the good order of the seas, and excludes foreign jurisdiction until grave reason can be shown for its exercise. Its extent may be defined as follows:—

* Hall's "Treatise on International Law," 4th ed., 1895.

† This will be found in section 62, and is immaterial to the present

"A State has—

"1. Administrative and criminal jurisdiction so as to bring all acts cognizable under these heads, whether done by subjects or foreigners under the disciplinary authority established in virtue of State control on board the ship, and under the authority of its State Tribunals.

"2. Full civil jurisdiction over subjects on board, and civil jurisdiction over foreigners to the extent and for the purposes that it is exercised over them on the soil of the State, unless partial exemption is given to them when on board ship by the municipal law of the State.

"3. Protective jurisdiction to the extent of guarding the vessel against interference of any kind on the part of other Powers, unless she commits acts of hostility against them, or does certain acts during war between two or more of them, which belligerents are permitted to restrain, or finally escapes into non-territorial waters after committing, or after some one on board has committed, an infraction of the law of a foreign country within the territory of the latter."

It is therefore submitted that the municipal law of the Netherlands Indies, or the Netherlands, may be wholly disregarded in the above circumstances in judging of the character or legality of the acts of Mr. Carpenter in regard to the prauw, or the contents of the prauw. It is also submitted that whatever may be the character of the acts of Mr. Carpenter in the eye of British law, whether criminal or merely civilly wrong, that can in no way excuse the assertion or enforcement of an usurped jurisdiction over Mr. Carpenter in respect of these acts by a foreign State. Yet it may be well to set forth the manner in which these acts are regarded by British law.

The prauw and its contents being found derelict on the ocean, both were properly the subject of salvage at the hands of the master and crew of the *Costa Rica Packet*. The acts of Captain Carpenter were a lawful taking possession for the purposes of salvage of the contents of the prauw, and thereby Mr. Carpenter acquired for himself as against his Sovereign, and all the world, including the owner (if any such person existed), a right to retain the possession until his services in salving the property were fittingly rewarded, and also a lien upon the property for his remuneration. He further acquired for his Sovereign the property in the goods, unless and until the true owner appeared and asserted his claim and established his right of property thereto. Both the remuneration and the claimants' title to the goods would have, in case of dispute, to be settled by the competent judicial Tribunal.

A case arose and was determined by Sir W. Scott (Lord

Stowell) sitting as Judge of the English High Court of Admiralty, which illustrates the matter in discussion.* The *Aquila* (a ship) and her cargo had been found derelict at sea. The ship had been restored as Swedish property; the cargo had been condemned as unclaimed, and the cause came on to be heard respecting the title to the goods, and also as to the award to be made to the salvors and the points at issue were fully argued. Lord Stowell, in the course of his judgment, thus stated the law:—

“This case is to be considered as derelict, and in that form the proceedings were originally commenced against both the ship and cargo: the ship has been claimed and restored, the cargo has not been claimed; but there was reason to expect an owner would appear, as there were papers on board describing it to be the property of a neutral owner.

“Some suspicions occurred, however, that it was, in fact, the property of an enemy, and under these circumstances it became expedient to proceed against it as prize for the purpose of meeting the pretensions of the ostensible neutral owner, and of bringing the examination of his claim, where alone it could be properly discussed, into the Prize Court. These measures were highly necessary, and therefore no objection can justly be made against the mode of proceeding which has been pursued in this case on behalf of the Crown. It has been contended that this being a case of derelict, is therefore not a case of salvage, and a distinction has been made, as if salvage was one thing and derelict another; but I must observe that the parties themselves, in the very outset of the case, alleged themselves to be salvors, and prayed to be rewarded in that character. This distinction, therefore, is not very consistent with their own plea.

“It is further argued, on the same principle, that it is the property of the goods and not a mere title to reward that has been acquired by these finders by right of occupancy; and it has been attempted to support this demand by various citations from the civil law. It is certainly very true that property may be so acquired, but the question is, to whom is it acquired? By the law of nature to the individual finder or occupant. But in a state of civil society, although property may be acquired by occupancy, it is not necessarily acquired to the occupant himself, for the positive regulations of the State may have made alterations on the subject, and may, for reasons of public peace and policy, have appropriated it to other persons: as, for instance, the State itself or to its grantees. It will depend, therefore, on the law of each country to determine whether property so acquired by occupancy shall accrue to the

* The *Aquila*, 1 Chr. Robinson's Admiralty Reports, page 37, 1798.

individual finder or to the Sovereign and his representatives? And I consider it to be the general rule of civilized countries that what is found derelict on the seas is acquired beneficially for the Sovereign, if no owner shall appear. Selden lays it down as a right annexed to sovereignty and acknowledged amongst all nations ancient and modern. Loccenius mentions it as an incontestable right of sovereignty in the north of Europe. Valin ascribes the same right to the Crown of France; and speaking of the rule in France, that a third shall be given to salvors in cases of shipwreck, expressly applies the same rule to derelicts, as standing on the same footing. In England, this right is as firmly established as any one prerogative of the Crown. I have already adverted to the authority of Selden. In some manuscript notes which I have of a very careful and experienced practiser in this profession, Sir E. Simpson, he says, 'By marine law the Lord High Admiral has the custody of derelicts found at sea; if no owner appears they become perquisites of Admiralty. The finder can have no property in them, only a reward for his trouble in preserving them. If no owner appears, or if the claimant cannot prove his property, the salvors have not acquired any right in the thing found, but they must be satisfied for their expense and trouble from the sale of the ship and cargo.' And, indeed, in the very case for which I am indebted to the industry of Dr. Swabey, the title of the Crown is fully recognized.

"But another question is stated: whether, although the Crown is allowed to have the exclusive right of property in cases where no owner appears, there is not an universal rule that gives to the finder in all cases alike, without regard to the degrees of merit or service, one moiety of the thing preserved? We should certainly not be very desirous to find such a rule; nor could we wish to reduce to one dead level the various degrees of merit that must perpetually occur according to the particular circumstances of each case. If there was such a rule, however, it would be my duty to obey it; but I can find no such rule in the general maritime law. I have looked into the books on this subject; in the '*Consolato del Mare*,' and in other books, I find no such rule. I find no such rule established by the practice of other European nations. If such a rule ever existed it is become obsolete, and as there is nothing reasonable in the principle that should induce us to wish for its revival, I shall pronounce the salvors not to be *de jure* entitled to a moiety; but applying the discretion of the Court to the circumstances of this case, I shall decree to them two-fifths of the cargo saved."

It will be observed that the above judgment is expressly declared to be in conformity with general maritime law and the rules recognized by civilized nations.

The subject may be further illustrated by the case of *The King* in his office of Admiralty *v.* Property Derelict* (A.D. 1825). It appeared that the British ship *Integrity* fell in with a merchant-vessel water-logged, and in such a condition that it could not be made out what she was, except that she was not an English vessel; that she appeared from her condition to have been drifting about for several months; that the master and mate of the *Integrity* boarded the wreck, and, fishing down her hatchway with a boat-hook, brought up a heavy trunk containing gold coins to the value of between 300*l.* and 400*l.*, some gold watches, rings, &c.; they also got up some cordage and claret, but found no papers that could lead to the discovery of the owners, nor could they go below on account of the water. The cordage was used up on board the *Integrity*, and the claret drunk by the master and crew, and on the return of the ship to Liverpool the master divided the gold coin with the crew. The King's Advocate stated that the law did not sanction a private distribution; that whatever is found derelict must be restored upon payment of salvage—to the owner, if he appear in due time; but if not, it must, subject to the same demand, be condemned as a “droit” of the Admiralty. The master was accordingly ordered to show cause why he should not bring the goods (coin, &c.), or the value thereof, into Court, to be proceeded against as “droits” of the Admiralty. The master brought the goods into Court, and these were condemned as “droits” of the Admiralty, and upon the master praying for a salvage remuneration, the Court awarded him a moiety of the coin and other articles brought into Court.

This case, it may be remarked, shows what would have been the appropriate remedy against Mr. Carpenter in case he could not have justified the throwing of the spirits overboard in the circumstances of the case, and a means of testing such justification.

It is clear that the facts of the case do not show Mr. Carpenter to have been guilty, according to English law, of the crime of theft—a crime which, as will subsequently appear, the authorities of the Netherland Indies attempted to fasten, by applying the Netherland Indies municipal law, upon Mr. Carpenter—nor, indeed, of any criminal offence at all.

Some indication has been put forward on behalf of the Netherland Government that the prauw being Dutch, the municipal law of the Netherland Indies became in some way applicable, notwithstanding that the prauw was found, and the acts of Mr. Carpenter were done, upon the high seas. At present the claimants are not in a position to appreciate this argument, and the right to deal

* Haggard's Admiralty Reports, vol. i, page 333.

with it when (if ever) it is sufficiently formulated by the Netherland Government is reserved. It may merely be remarked by the way (1) that the identity or ownership of the prauw has never been established by evidence; (2) that it is not apparent that any criminal act was done, or is alleged to have been done, on board the prauw; (3) that according to the British law and the general maritime law the derelict prauw and its contents became, upon their being taken possession of by the crew of the *Costa Rica Packet*, unless and until the owner appeared and proved his ownership, the property of the Queen of the United Kingdom of Great Britain and Ireland; (4) that a water-logged and derelict prauw, in the control of no person, lost, until rescued, to its owners and others, floating about the ocean an inert mass at the mercy of winds and waves, without name, flag, or marks of identity, is to all intents and purposes a *res nullius*, incapable of falling within that rule of the law of nations which prescribes that a vessel manned and controlled, and lawfully sailing under a national flag, carries with her upon the high seas the municipal law of the nation to which she belongs and whose flag she flies.

It is submitted that it has been thus far established that the acts of the master, Mr. Carpenter, were in no sense criminal; indeed, although it is not necessary to maintain such a proposition, it has been shown that his acts were lawful, and in the circumstances correct and proper.

That there was no thought of concealment in connection with the finding of the derelict prauw, or the fact of the crew having made free with some of the spirits it contained, is apparent from the entries in the ship's log and in the official log, which were, of course, open to inspection at any moment at any port where the *Costa Rica Packet* might call. These entries appear in the logs in the proper places, and in the natural order of events:—

“At 7 A.M. saw abandon [*sic*] prow; sent a boat off and towed her alongside, found ten cases of gin, three cases brandy, one tin kerosene oil on board; took it out, let go the prow. All set, Boreo Island bore south, distant 25 miles at 6 P.M. Pumps carefully attended to.”

This entry is in the first mate's writing (ship's log).

“January 24, 1888, picked up an abandoned prauw, loaded with a few cases of arrack and kerosene. Two or three of the crew drunk on the occasion.”

This is written by the master, and signed by him and the first mate (official log).

It is now necessary to resume the narrative of the material facts:—

The *Costa Rica Packet*, after the 24th January, 1888, continued

her cruise. From 5 P.M. on Saturday, the 18th February, 1888, to 4 A.M. on Saturday, the 3rd March, 1888, the vessel was at anchor in the port at Batjan, in the Netherland Indies, and the evidence shows that both logs were produced to the authorities, and that the authorities were informed of the finding of the derelict prauw. and the taking out of its contents.* On the 16th March, 1888, a boat was sent ashore at Banda, and here the fourth mate, Palmer, deserted the vessel. From 5 P.M. on the 14th April, 1888, to 3 A.M. on the 19th April, 1888, the *Costa Rica Packet* was at anchor at Macassar. Here the desertion of Palmer was reported to the authorities, and the evidence shows that the authorities were informed of the finding of the prauw.

The above facts, so far as they do not appear from the evidence in the Appendix, are extracted from the logs of the *Costa Rica Packet*.

During the seasons 1888-89, 1889-90, and 1890-91, the *Costa Rica Packet* was engaged in whaling under Mr. Carpenter's command, and she put into ports of the Netherland Indies as occasion required.

It may be pointed out at this stage that the evidence regarding the prauw and its contents, and the finding of the same, must necessarily from the nature of the case come from the crew of the *Costa Rica Packet*. And it is not unimportant to inquire and consider what manner of man was Mr. J. B. Carpenter, and was he a person likely to commit a crime for the sake of a small quantity of damaged spirits of trifling value?

Mr. Carpenter had been for five years, 1880-85, trading in the firm of Ross and Carpenter, at Amboyna, in the Netherland Indies, and during such period he had become well known to the Dutch authorities and the traders (English and others) and natives in those regions. With all of these he stood in high regard and esteem, and bore a very high character; and it is incidentally evident from the evidence printed in the Appendix that he enjoyed the esteem and regard of gentlemen such as the Netherland Resident at Ternate and Mr. Bernard, merchant, of Macassar. In every port of the Dutch Indies Mr. Carpenter was known, and his presence would have been immediately brought to the knowledge of the authorities. The Committee of the Legislative Council of New South Wales in their Report state Mr. Carpenter to be "a man of the highest character." Mr. Forsyth, manager of "Burns, Philp, and Co.," says, "I had a knowledge of Captain Carpenter's high

* The fact that the finding of the derelict was not mentioned in the "Prau Report" is a circumstance of no value in regard to the facts stated and in regard that this document was in Dutch and was not understood by either the master or the first mate.

character. We had unbounded confidence in him because we had had transactions with him for years and years." The Hon. J. W. Creed, Member of the Legislative Council of New South Wales, writing to Lord Rosebery officially, says: "Captain Carpenter, of whom I think Lord Jersey has personal knowledge, is a man of high intelligence and estimable character, who is held in much regard by those knowing him." The Earl of Jersey, who was Governor of the Colony of New South Wales at the time when Mr. Carpenter undertook his last voyage, and who saw him several times upon his return, formally declares that, before transmitting in the name of his Government the claim for indemnity afterwards supported by the Imperial Government, he took care to gather the most ample particulars concerning Mr. Carpenter, and he is convinced that he is worthy of every confidence, is an honest man, and that he enjoys, as he is entitled to do, an excellent reputation amongst his fellow-citizens. Again, Lord Jersey informed Sir H. Rumbold, Her Majesty's Minister at the Hague, that as the result of many inquiries he had made about him, he had come to the conclusion that Mr. Carpenter was a respectable deserving man.

It is therefore submitted that the statements of Mr. Carpenter are reliable and are worthy of belief, even when they are unconfirmed and rest upon his evidence alone. But it is desired to point out that where it has been possible from the circumstances to confirm his statements by documentary or oral evidence they are so confirmed.

To resume the narrative of the facts:—in the year 1891 the *Costa Rica Packet* was again fitted out for a whaling cruise by the same owners, and Mr. Carpenter was again in command, and on the 1st November, 1891, at midnight, the ship arrived and anchored at Ternate, in the Netherland Indies, having entered that port for the purpose of procuring fresh provisions. Mr. Carpenter was immediately told by a native who came off to the ship that he should not stay there as the Dutch authorities were after him, although he did not know the reason of their desire to arrest him. The master had no idea of the cause of the trouble, but went on shore next morning to enter his ship. He was immediately arrested, but on asking the nature of the charge against him could get no information beyond the fact that the order for his arrest had come from Macassar, and that the officials had been directed to arrest him and send him on to Macassar. Mr. Carpenter heard, however, privately from a friend (the Netherland Resident) that he believed the cause of the arrest had to do with the picking up of the derelict prauw (*i.e.*, on the 24th January, 1888), and therefore determined that three of his officers who had been on the *Costa Rica Packet* at the time should accompany him to Macassar. On

the evening of the 6th November, 1891, Mr. Carpenter (who had been in gaol since his arrest) was placed on the steamer *Coen*, bound for Macassar, in the custody of a sheriff. The accommodation for Mr. Carpenter provided on the steamer was deck accommodation only, and that for a voyage of 1,000 miles, and which he would have to share with coolies and the like. However, by paying he was allowed a second-class passage, and he also paid for the three officers. Before leaving Ternate, Mr. Carpenter endeavoured to procure his temporary release on giving a large security for his return to stand his trial. This he did in the interests of the whaling cruise, the continuance of which would be impossible without his presence, for there was no one who had the knowledge requisite to successfully direct the enterprise, and the consequences of Mr. Carpenter's arrest and absence were clearly brought to the knowledge of the Dutch authorities. A protest was formally executed and handed to the authorities at Ternate, by which the Government of the Netherland Indies was held liable for all pecuniary losses which the arrest would cause to Mr. Carpenter and the ship-owners, his coadventurers. Mr. Carpenter arrived at Macassar on the 16th November, and was placed in gaol, after being subjected to public and gross indignities, and imprisoned in a cell for "condemned Europeans," being released through the intervention of the British Governor of the Straits Settlements on the 28th November, 1891, with his health permanently affected by his imprisonment.

From the order for Mr. Carpenter's arrest, dated the 26th January, 1891, it appears that he was arrested for an offence punishable under clause 316 of the Criminal Law for Europeans in the Netherland Indies, in that he had in the beginning of the year 1888, and presumably in the month of February, and at a distance of not more than 3 miles from the Island of Boeroe, Residence of Amboyna, seized a prauw adrift, and "*at the above-named place, to the prejudice of Mr. Frieser, has maliciously appropriated the goods therein, to wit, eight cases of arrack, two cases of geneva, two cases of brandy, two and a-half bottles of bitters, and a tin of petroleum, of the total value of 224 fl.*" (*i.e.*, 18*l.* 13*s.* 4*d.*). Notwithstanding the discrepancy in date and place, and the difference between the goods named in the warrant and the goods actually found in the prauw (as enumerated at the time in the ship's log), there can be no question but that the warrant was intended to refer to what took place on the 24th January, 1888, as above detailed. It is submitted as a matter of the utmost importance that attention should be specially directed to two points apparent from the warrant: (1) the malicious appropriation of the goods with which Mr. Carpenter was charged, and for which the

arrest took place, is alleged in the *formal* warrant to have been made at the place where the *prauw* itself was seized (vaguely stated at "not more than 3 miles from Boeroe Island"), thus unmistakably localizing and defining the particular misappropriation complained of, and of which Mr. Carpenter was accused, and simplifying the issue; (2) the offence charged and the prosecution initiated was wholly under the municipal law of the Netherland Indies, which, as had been demonstrated, had in fact no force as regards the acts done on the 24th January, 1888, or the place where they were done, or the persons by whom they were done, and the enforcement of which was an usurpation of British sovereignty.

As the crime charged was the theft punishable under clause 316 above mentioned, it may be as well to refer to the pertinent Articles in the above-named Code. They are—

"Article 297. Any one who maliciously ('arglistig') appropriates a thing not belonging to him is guilty of theft."

"Article 316. The thefts not specially named in this part, the *rogueries* ('Gasuwdieverijen') and pocket-picking ('beursen-snijderijen') will be punished by imprisonment of from one to five years, with or without a fine of from 8 to 250 guilders, and the loss of the rights and abilities mentioned in clause 20."*

It is asserted that it is above established that the Netherland State and Government, acting through the appropriate public authorities of that State and Government, by the prosecution and arrest of Mr. Carpenter for acts done upon the high seas, at a time and place when and where he was under the exclusive municipal jurisdiction of the British State and law, wrongfully asserted and exercised a jurisdiction which *in fact* rested on no valid foundation, and wrongfully applied the municipal law of the Netherland Indies to a person who was in no way bound by that municipal law, and to acts which that law was powerless to characterize or govern, and wrongly usurped a jurisdiction appertaining to Great Britain alone. Assuming the prosecution and arrest to have only proceeded from an honest mistake, and not from other causes, *that* can, as is contended by the British Government, at most negative matter of aggravation, and can only be pleaded in mitigation of the offence committed, but cannot alter the fact of an usurpation of British sovereignty having taken place, or the fact of a wrong having been done to Mr. Carpenter, and through him to Great Britain. Under the circumstances the British Government is entitled to demand and receive suitable reparation,

* The Articles preceding 316 and following 297 enumerate specific kinds of theft and their punishment.

and it is conceived to be consonant with the honour and dignity of any State to give redress for a wrong such as the above.

Vattel says (lib. ii, cap. vi):—

"Whoever uses a citizen ill indirectly offends the State, which is bound to protect this citizen; and the Sovereign of the latter should avenge his wrongs, punish the aggressor, and, if possible, oblige him to make full reparation; since otherwise the citizen would not obtain the great end of the civil association, which is safety."

Bluntschli says:—*

"Der Heimatstat ist berechtigt, und im Verhältniss zu seiner Macht auch verpflichtet, seinen Angehörigen im Ausland den den Umständen angemessenen Schutz durch völkerrechtliche Mittel zu gewähren:—

"(a.) Wenn der fremde Stat selber in völkerrechtswidriger Weise wider sie verfahren hat.

"(b.) Wenn die Misshandlung oder Verletzung jener Personen zwar nicht unmittelbar dem fremden State zur Last fällt, aber dieser keinen Rechtsschutz dagegen gewährt.

"Der Heimatstat ist in solchen Fällen berechtigt, von dem fremden State Beseitigung des Unrechts, Genugthuung und Entschädigung nach Umständen auch Garantien gegen ähnliche Verletzungen zu fordern."

Reference is here also made, without reciting them at length, to the citations from authority hereinbefore and hereinafter set out fully.

Though it is submitted that the claims of Her Majesty's Government, as stated in the Convention, are well founded on the above grounds, it is right that these claims should be examined as well from certain other points of view. It is therefore proposed to inquire—

(a.) Whether the Netherland Indies authorities had any reasonable grounds for asserting that an offence against the Netherland Indies municipal law had been committed within Netherland territorial waters.

(b.) Whether the proceedings taken were oppressive.

Her Majesty's Government have been, in the examination of these questions, placed in some difficulty, as they have not been put by the Netherland Government in possession of the statements or evidence upon which the Netherland authorities acted, except so far as the same can be gathered from the Procureur-Général's Report mentioned below. This is mentioned as a matter of fact. The liberty of further examining into these questions

* "Das Moderne Völkerrecht der Civilisirten Staaten," 1878, sec. 380.

after such statements or evidence have been produced is therefore reserved.

(a.) The statement of the evidence which, it is asserted, afforded reasonable grounds for suspecting that an offence against the Netherland Indies municipal law had been committed in Netherland territorial waters is to be found in the Report of the Procureur-Général to the Governor-General of Netherland India of the 3rd July, 1892. The position of this officer, the circumstances under which the Report was made, and the contents of this document, make it fair and reasonable to conclude that the Report makes the best possible case in support of the action taken in the Indies, and that the most cogent evidence in the possession of the authorities has been produced. The only "evidence" referred to in this Report consists of the statements of H. G. Rimstadt and one Palmer. The former was a photographer, and a passenger on board the *Costa Rica Packet*. Neither the date nor the place of his statement are given, but it was made on oath. One sentence alone is pertinent; it is, "the prauw was found floating about at a short distance from the coast of Boeroe." This statement is most vague; he does not appear to have been asked what he meant by "a short distance," and at sea "a short distance" may mean any distance within considerable limits; there is nothing certainly to show that it meant a distance "not exceeding 3 miles"—a meaning into which the phrase seems to have been, according to the warrant, tortured. It is impossible to acquit the person who took such a statement of gross carelessness. This is all the more remarkable in view of the statement of Palmer, also vouched. This Palmer was fourth mate of the *Costa Rica Packet*, and made a statement, but not on oath—why it was not made on oath does not appear. He was certainly more capable of judging the distance from the land than the photographer and passenger. His statement is:—

"The prauw was found floating near Boeroe, close to a place called Kajoli. He calculated the distance from the shore at 16 to 20 English geographical miles."

It is submitted with confidence that not only was there no reasonable evidence of the alleged offence charged in the warrant of arrest having been committed at a distance of "not more than 3 miles from the shore," and therefore within Dutch territorial waters, but that there was in fact no evidence whatever of the offence having been committed within that distance. Indeed, the statement of Palmer positively negatives any such inference from the disclosed evidence.

But according to Mr. Carpenter's recollection Rimstadt said in his deposition, which was read to him, that from the point where the prauw was picked up he could see Boeroe Dome and the tops

of the hills in front of it. The tops of these hills can be seen fully 60 miles off the land, and therefore no one with any knowledge of the locality could infer from the witness' statement that the prauw was found "not more than 3 miles from the Island of Boeroe."

The "India Directory," or "Directions for Sailing to and from the East Indies," &c., by James Horsburgh, seventh edition London, 1855, contains (vol. ii, page 716) the following statement:—

"Bouro is a high island, and has a semicircular mountain on the north-west part resembling a dome, which may be seen 25 or 30 leagues off in clear weather."

The height of this mountain is marked on the chart as 8,580 feet, and it is close to the coast.

Rimstadt, it may be added, had left the *Costa Rica Packet* at Batjan, having been requested by the master to leave the ship on account of his conduct on board. Palmer deserted from the *Costa Rica Packet* at Banda, and his desertion was reported at Macassar on the 16th April, 1888.

[Note.—It may be pointed out also that Frieser's prauw was said to have been lost at Kajeli Bay on the 17th January, 1888 (or 19th January, it is not clear which), and if she was the prauw found by the *Costa Rica Packet* she must have drifted against the prevailing currents* in seven days (or five days) over 120 miles; Frieser's prauw had outriggers, which the prauw found had not; and, lastly, the contents of the two prauws were not identical.]

It is, moreover, necessary to point out that in considering the question of reasonable evidence above discussed it cannot be forgotten that special caution was necessary, inasmuch as (1) Mr. Carpenter was a foreigner belonging to a foreign vessel and the master of a whaler; (2) the occurrence constituting the alleged offence took place on the 24th January, 1888, the complaint was made on the 28th May, 1888, by Frieser; this complaint was in the first instance not acted on, as the matter appears to have been allowed to drop, and the warrant of arrest was not granted till the 26th January, 1891 (three years after the event, and nearly three after the complaint), and might have been in force for an indefinable period without being executed; (3) the stringent course of an arrest, and not the alternative course pointed to by the Procureur-Général in his said Report, was adopted; (4) arrest was necessarily injurious to a man of the character and in the position and circumstances of Captain Carpenter as master of a whaler; (5) and the value of the goods as stated in the warrant (exaggerated as that

* Note.—During the west monsoon—December, January, February—the current runs and sets strongly eastward, attaining as much as 6 knots an hour.

value in fact was as against 72 guilders—the real commercial value of the goods) was the small sum of 224 guilders. Great caution should have therefore been exercised by the Netherland officials, and cogent reasons for action should have existed. These requirements were in fact not heeded, so far as the facts show.

(b.) Whether the proceedings taken were oppressive.

It is submitted the proceedings were oppressive. The whole of the considerations put forward in discussing question (a), which it is unnecessary to recapitulate here, support this conclusion. Moreover, to arrest the captain of a whaler during the whaling season—a person whose presence is essential to the continuance and success of the voyage, and whose absence must injure not only himself but all interested in the enterprise—for the purpose of preventive detention, and to keep him imprisoned under conditions such as are disclosed in the evidence taken by the Select Committee of the New South Wales Legislative Council, and convey him 1,000 miles from his ship upon the slight evidence above referred to, and on a charge which a few days' investigation was sufficient to prove the incompetence of the Netherland Indies Tribunal to entertain; to subject a person of Captain Carpenter's character and position, and so well known in the Dutch Indies, and presumably, according to elementary rules of justice and good faith, innocent until proved guilty, to the public and private indignities suffered by him, which are set out in the evidence, and which it is not necessary to here detail or to characterize, and, finally, to dismiss him from gaol without apology or explanation, with a Malay word signifying "Clear out," leaving him stranded in Macassar, 1,000 miles from his ship, to get back to it as best he may—to act thus it is submitted with confidence is oppressive—oppressive to a reprehensible degree.

The real facts of the case proving that the whole matter arose out of Mr. Carpenter's lawful dealings on the high seas with a few cases of sea-damaged spirits of little value, and that he was guiltless of actual wrong-doing, and that, in fact, the loss of the spirits could have deprived the true owner, whoever he might be, of little, bring into relief the injustice and oppression of the proceedings. Further, the actual complainant, Frieser, was at the time of Mr. Carpenter's arrest and imprisonment undergoing a sentence for arson. It is not clear whether this was not also the case when the warrant of arrest was issued in January 1891. It is plain, it is submitted, that there never was before the authorities at Macassar any substantial or any evidence whatever of jurisdiction to entertain the charge made in the warrant of the 26th January, 1891; the complaint was made four months after the occurrence complained of; the proceedings upon the complaint were, in the first instance, never prosecuted or were dropped; no action was taken upon the

charge until the cause of complaint was three years old and then unnecessarily drastic proceedings (productive, as the proved, and as might have been anticipated, of great actual injury were taken upon the chance of some day arresting Mr. Carpenter on Netherland Indian territory.

For further detail upon this part of the case reference is made to the Memorandum of Sir H. Rumbold.

It is submitted, therefore, that on both the grounds last forward, viz., the absence of any reasonable grounds for assuming that an offence against the municipal law of the Dutch has been committed by Mr. Carpenter, and the oppressive nature of the proceedings adopted, resulting in actual injustice, or on these grounds, the claims of the British Government, under the Convention, are well founded.

In addition to the passage from Hall's "Treatise on Law," already cited, it is not inappropriate that the following passage should be referred to:—*

"Judicial functionaries are less closely connected with the Executive than in the independent States in which the means of checking the acts of the former; municipally right, as being according to law, may effect an international wrong; and even when the punishment may be expected of a Government in the case of the Courts is that compensation shall be made for any injury caused by an imperfection in the law. A foreigner from getting equal justice is a recurrence of the wrong shall be."

The statement of Mr. Forsyth, Mr. Semple, the 12th February, 1874, in the law of nations to which it is desired to refer the Arbitrator.† They are:—

"The proposition that those who are bound to submit to their Tribunals is not disputed. It is that when palpable injustice is obvious to all the world, in the case of a foreigner for alleged injury or of the law of nations, the foreigner is a citizen."

* Page 227.

† Wharton's "International Law," 2nd ed.

country whose authorities have been guilty of the wrong accountable therefor. This right is not weakened because the Judicial may be independent of the Executive, or both of the Legislative Power. Complaint is made to the Executive by the foreign Government because that is the only proper medium and organ of communication, and not because it may be supposed to be within the competency of that Department to redress the grievance."

These views of Mr. Forsyth are, it is contended, sound, and are applicable to the present case.

It now becomes necessary to direct attention to the evidence taken by the Committee at the Legislative Council of New South Wales with reference to the whaling industry, and the effect of the removal of Captain Carpenter from his vessel at a critical period, and to summarize the evidence set out in the Appendix on this point.

It would seem that Captain Carpenter was, prior to 1863, employed in whaling in all the seas frequented by whales from the Arctic to the Antarctic Seas, in the Pacific Ocean, and mostly in the Malay Archipelago, and that during a period of thirty-five years he had made observations at sea with reference to the places where, and the times when, whales were observed. By this means Mr. Carpenter had acquired a special and unique knowledge of the habits of whales in the Malay Archipelago, and the places where at particular times whales were to be found—a special knowledge which does not appear to have been possessed by any of the witnesses examined by the Committee, or by any persons known to them. That such was the case, and was a probable state of circumstances, appears not only from the evidence of Captain Carpenter himself, but the evidence of Mr. John Gallagher, Mr. Robert Taylor, Mr. Adam Forsyth, and Mr. Louis George Becke. Such knowledge can only be acquired by great experience and long observation. It was, moreover, proved that there was no one in the *Costa Rica Packet* who possessed the necessary knowledge and was capable, in the absence of Captain Carpenter, of successfully directing whaling operations in the Malay Archipelago. It was further shown that it was the practice of captains employed in the whaling business to keep as much as possible to themselves the knowledge they possess in reference to the habits of whales, and the localities where they are to be met with at particular periods of time; that this knowledge enables them to judge to a week, and even more closely, where whales are at any period of time to be found, and consequently enables them to direct the course of the whaler and the whaling operations with a success impossible to those not possessed of this knowledge. It was further shown to the satisfaction of the Committee that this special know-

ledge is possessed by but a few men, who carefully preserve it as a trade secret, and that Captain Carpenter had this special information in an eminent degree, and that without him it would have been useless for the *Costa Rica Packet* to continue whaling operations. Instances were given by the witnesses of cases where whaling operations have had to be abandoned owing to the loss of the captain, or suspended for the same reason until the lost captain could be replaced by one having the necessary experience and knowledge. It further appears from Mr. Forsyth's evidence that in this case they were requested by telegraph to send another captain in the place of Mr. Carpenter, and that they did not do so because it was impossible to get one, that is, one having the necessary knowledge. Indeed, it is clear that the *Costa Rica Packet* was equipped and sent to the Malay Archipelago as a whaler largely, if not wholly, in reliance on Mr. Carpenter's acting as master, and upon the special knowledge which he possessed. It was also shown that on this occasion the *Costa Rica Packet* was better equipped and manned than on any previous occasion, and that whales were plentiful during the season 1891-92, and that consequently there was every reason to have anticipated a profitable adventure.

The whaling season being from about the 1st November to the 10th January, Mr. Carpenter was arrested on the 2nd November, and released on the 28th November, whereafter he returned to Sydney, for reasons explained in his evidence, and which appear adequate, and did not return to his ship until the middle of April 1892, when the condition of the ship was found to be such and the state of the crew such (as explained in Mr. Young's evidence and that of Captain Carpenter) as to render the prosecution of the adventure impossible. It was found necessary to take the vessel to Singapore and sell her at a loss. As explained by Captain Carpenter, owing to a difficulty of obtaining a passage earlier, it would have been impossible for him to have returned from Macassar to Ternate so as to reach the latter place before the 5th January, 1892, when the whaling season would be almost over. It must be borne in mind, too, that the effect of the arrest and imprisonment of Mr. Carpenter was to induce an illness which rendered him unfit for his duties until the period when the *Costa Rica Packet* left Ternate on her voyage to Singapore. Thus the season was lost, and the particular adventure of those interested in the voyage of the *Costa Rica Packet* was frustrated.

Both the owners and Mr. Carpenter were interested in the profits of the voyage. These profits were looked to to recoup the expenses of the outfit of the *Costa Rica Packet*. The crew received no wages, but were on a "lay," that is, they received only rations, and in return for their services were to receive a share of the profits

of the voyage proportioned to their rating. Pending Captain Carpenter's arrest, release, and return to Ternate, the crew remained with the vessel, and their time was consequently wasted. It is clear that, under the circumstances, both the owners and the crew had a direct and contractual interest in Captain Carpenter's presence on the vessel, and in his services during the whaling cruise in progress in November 1891.

It is submitted that the arrest and removal of Captain Carpenter, whose presence and activity were necessary to the adventure, under the above circumstances put an end to the adventure, and to the possibility of profit being obtained from the adventure by the owners, master, or crew. It was therefore, in the circumstances, a necessary consequence (construing the word "necessary" reasonably and with a due regard to the nature of the case) to the arrest, and the preventive detention of Mr. Carpenter, that the owners lost their outlay and hope of profit and the loss on the sale of the ship, and that the crew lost their hope of profit from the adventure.

The damages claimed are therefore the necessary consequence of the wrongful act of the Netherland officials in arresting Mr. Carpenter, and are not too remote, particularly as the Netherland authorities might reasonably have expected, and, in fact, were warned (as hereinbefore shown) that their conduct in arresting Captain Carpenter and dealing with him in the manner they did would probably occasion loss or damage similar to that which was actually sustained and in respect of which compensation is claimed.

The indemnities to which it is contended the owners, masters, and crew are respectively entitled are as follows:—

(a.) The crew: Each should receive a sum proportioned to his rateable share of the anticipated profits of the voyage less advances (viz., 19,822*l.* 7*s.* 1*d.*), such profits being arrived at as follows:—

	£	s.	d.
Estimated value of "catch" during the voyage ..	23,400	0	0
Deduct expenses (3,577 <i>l.</i> 12 <i>s.</i> 11 <i>d.</i> , less advances 826 <i>l.</i> 12 <i>s.</i> 5 <i>d.</i>), say	2,751	0	6
Profits	20,648	19	6
Deduct advances	826	12	5
	19,822	7	1

Note.—The crew among them would have got approximately one-half of the profits less the captain's share, i.e., roughly, the crew would have received 8,000*l.*

(b.) The owners should receive—

	£	s.	d.
(a.) Loss on the sale of vessel—			
Value of vessel at commencement of the voyage	3,588	10	0
Amount realized at sale (including sundries sold, 145 <i>l.</i> 4 <i>s.</i> 1 <i>d.</i>).. .. .	1,395	4	1
	<hr/>		
Loss on sale of vessel	2,193	5	11
* (b.) Loss of share of profits, viz., one-half of 20,848 <i>l.</i> 19 <i>s.</i> 8 <i>d.</i> , say.. .. .	10,324	0	0
* (c.) Amount of expenses (including advances, 826 <i>l.</i> 12 <i>s.</i> 5 <i>d.</i>)	3,577	12	11
	<hr/>		
	16,004	18	10

* *Note.*—The owners have lost both their share of the profits and also the expenses which would, if the adventure had proceeded to its proper termination, been recouped to them out of the proceeds of the catch.

(c.) Captain Carpenter should receive—

	£	s.	d.
1. Loss of share of profits, say	2,000	0	0
2. Expenses incurred in his defence and travelling expenses, say	500	0	0
3. A sum calculated as compensation for the arrest and imprisonment, the indignities, mental pain, and anxiety suffered, the loss and injury to his reputation, health, and credit, loss of time, &c., say	5,000	0	0
	<hr/>		
Total	7,500	0	0

No. 2.—Translation of the Counter-Case of the Government of Her Majesty the Queen of the Netherlands in reply to the Memorandum presented by the Government of Her Britannic Majesty in the Question of the Ship Costa Rica Packet.—March 1896.

THE preamble of the Case presented by the British Government in support of their claim in the matter of the ship *Costa Rica Packet*, of Sydney—which Case will in the present Counter-Case be called “the Memorandum”—contains the grounds on which this claim is based, as well as the refusal of the Netherland Government to admit its validity.

The British Government have made claims against the Netherland Government not only in respect of the injuries and losses

which, according to the British Government, were personally sustained by the man Carpenter, master of the whaler *Costa Rica Packet*, in consequence of his arrest and preliminary detention ("détention préventive") in the Netherland Indies, but also in respect of those suffered by the officers, crew, and owners of the said vessel, which must be considered as the necessary consequences of the preliminary detention of the master.

The Netherland Government dispute the validity of each of these claims not only as regards Carpenter personally, but *à fortiori* as regards the other persons above mentioned; and—subsidiarily—they equally dispute the statements made as to the injuries sustained and the extent of these injuries.

By the terms of the Convention concluded on the 16th May, 1895, between the contending parties, the eminent jurist appointed as Arbitrator in this difference by His Majesty the Emperor of All the Russias has to consider the claims for indemnity mentioned in this Convention and formulated by the British Government against the Government of the Netherlands, both on behalf of the master of the whaler *Costa Rica Packet* and on that of the officers, crew, and owners of this vessel.

The Netherland Government await this decision with entire confidence. They are confirmed in their conviction that the claim has no foundation, by the purport of the opinion of the Law Officers of the Crown, the substance of which was, by direction of his Excellency the Marquess of Ripon, then Secretary of State for the Colonies, communicated by Mr. John Bramston, then Under-Secretary of State for the Colonies, to the Agent-General for New South Wales in London, in a letter dated the 22nd May, 1894. In this opinion it is openly admitted, as regards the arrest and preliminary detention on which the claim for indemnity is based, "that there is in this nothing so contrary to the practice of civilized nations as to enable Her Majesty's Government to found thereon a claim for compensation." The Law Officers consequently express the opinion "that Her Majesty's Government should not put forward any claims for compensation which they would not be prepared to entertain on behalf of foreigners.

It is also very remarkable that these jurists deny the existence of "any supposed right of Her Majesty's Government to question in the case of British subjects the sufficiency or expediency of the system of criminal law adopted by a friendly nation for the governance, within its dominions, of all persons alike."

Although, starting from another basis, which will be mentioned hereafter, the Law Officers arrive—with reference to the claim regarding Carpenter *personally*—at a slightly different conclusion, the above-mentioned words suffice to condemn the entire claim.

Under these circumstances, the British Memorandum was awaited with some eagerness, as it was hoped that this document would at last make it clear on what ground the claim is really based.

Yet even this Memorandum shows no ground on which the claim could be justified. Apart from an enumeration of facts which may with justice be called in question, or which are not reported accurately, only enunciations of certain principles of law are to be found, true in themselves, but in no way applicable to the present case.

In support of this statement, it will be sufficient to recapitulate briefly the facts which gave rise to the claim :—

On the 2nd November, 1891, the said John B. Carpenter, master of the vessel *Costa Rica Packet*, being with that vessel in the roadstead of Ternate (Netherland Indies), was summoned by the Resident of that place to the office of the Residency, and arrested by virtue of a decision of the Court of Justice at Macassar of the 26th January, 1891, by which Carpenter was ordered to be prosecuted, and a warrant issued for his arrest.

The detention of this individual had been ordered by the said decision on the charge of his having stolen at the beginning of the year 1888 certain goods, the property of Mr. Friesser, which offence, as was added in the order, had been committed probably in the month of February at a distance of 3 miles at the most from the Island of Boeroe (Residency of Amboina) by the appropriation of a prauw adrift in the sea.

After a provisional detention in Ternate prison, Carpenter was conducted to Macassar on the 6th of the same month in custody of the Sheriff Dousee on board the steamer *Ooen*. Three men of the crew of the *Costa Rica Packet*, whom Carpenter wished to be heard as witnesses in his favour, left at the same time as himself.

Having arrived at Macassar on the 16th November, 1891, Carpenter was there lodged in prison on the same day, and immediately brought up to be interrogated. The interrogation was conducted in regular form.

The depositions of different persons had given rise to the *presumption* that Carpenter, while cruising with his vessel in the waters round the Island of Boeroe* at the beginning of the year 1888, had encountered a prauw (Netherland Indian coasting-trade vessel) floating in the sea laden with several cases of geneva, arrack, &c.; that he had ordered these goods to be taken out of the prauw to be carried on board his ship, and had caused the prauw to be destroyed; that he had then continued his voyage, and that, on his arrival at

* Carpenter contends (but wrongly, as will be shown hereafter) that he was then with his ship in latitude 2° 32' south and longitude 125° 30' east.

Batjan (Netherland Indies), he had neither reported this fact to the competent authorities in the "Ship's Inward Report" ("Lettre de Hèlement"), nor handed over to them the goods taken out of the prauw, but had for the greater part sold them or exchanged them for others, to his own profit.

By the terms of the legislative provisions in force in the Netherland Indies with regard to the preliminary investigation ("instruction") in criminal cases, the Court of Justice had to decide after the close of the investigation (the preliminary inquiries are conducted *before*, and the investigation ("instruction") of the case is commenced *after*, the granting of leave to prosecute) whether there was ground for prosecuting by referring the matter to be heard by the Court, or whether the complaint against Carpenter should be dismissed on the ground of the insufficiency of the presumptions, either with regard to the question whether the act had been committed, or whether it was punishable, or with regard to the competence of the Judge. (See Articles 66, 71, 79, 81, 86, 88, 89, 97, 100, 101, 102, and 105 of the Order respecting the preliminary investigation ("instruction") in criminal cases in the Netherlands Indies.)

On the 28th November, 1891—after a delay, therefore, of only twelve days after Carpenter's arrival—the Magistrate at Macassar moved the Court of Justice to decide that there was no ground for bringing Carpenter to trial, and that he should be set at liberty on the ground that the interrogatories showed that at the time when the goods taken out of the prauw were appropriated, the vessel was at a distance of more than 3 miles from the coast, and that, by the terms of the Netherland Indian laws, the judicial authorities were not competent to take cognizance of the act of selling these goods at Batjan, on Netherland Indian territory. On this application, Carpenter was set at liberty on the same day by virtue of an order of the Court of Justice.

Now, all that results from these facts—with regard to which the parties are entirely agreed—is that the judicial authorities in the Netherland Indies made use of the power conferred upon them in ordering, in strict conformity, with the provisions of Netherland Indian laws, the arrest on Netherland Indian territory of an individual accused of an offence, of which there appeared every reason to believe the Netherland Indian judicial authorities were competent to take cognizance; and in instituting, in conformity with the provisions of the law, an inquiry with regard to this affair; while they hastened to set the accused at liberty the moment that, *in their opinion*, there was reason to believe that the judicial authorities in the Netherland Indies was *not* competent to take cognizance of this affair.

In these facts—as the Legal Advisers of the British Crown remark with justice—“there is nothing so contrary to the practice of civilized nations as to enable Her Majesty’s Government to found thereon a claim for compensation.”

If there were any reproach to be made in this matter to the judicial authorities at Macassar—which reproach could, at any rate, not be addressed to them by the accused—it would be that they decided that they were *not* competent to deal with the matter. For even if it were admitted that the territorial waters do not extend further than 3 miles from the coast, and if it were proved—which is by no means the case—that the prauw had been encountered outside the territorial waters, there was, nevertheless, still reason for admitting the competence of the Netherland Judge, either on the ground that the goods had been stolen from on board a Netherland Indian vessel, or—if the act of appropriation is to be considered as having been committed, not at the moment when the goods were taken out of the prauw, but only at the moment when Carpenter sold or exchanged them at Batjan to his own profit—on the ground that this latter act was committed on Netherland Indian territory.

But even if this view were not correct, even if the Court of Justice had rightly decided on the 28th November, 1891, that the Netherland Indian Judge was not competent to take cognizance of the act laid to Carpenter’s charge, the latter would yet have no right on that account to an indemnity for his arrest and preliminary detention, proceedings which were in accordance with the laws in force.

Nobody disputes the fact that all the requirements of the law were strictly fulfilled.

This can, moreover, be shown—so far as it may be necessary to do so—from the documents relating to the proceedings, which will be found among the Annexes to the present Counter-Case, as well as by a reference to the above-mentioned legal enactments.

That a *subject* or *inhabitant* of the Netherland Indies has no right to be indemnified if he has been arrested and subjected to preliminary detention on presumptions subsequently not confirmed, and that consequently he is not entitled to inquire, with such a view, into the validity (or weakness) of the grounds for these presumptions, cannot possibly be open to any doubt.

How, then, can it be claimed that this right should be conceded to a *foreigner*?

The British Government, in their Memorandum (pages 4 *et seq.*), quote various passages, taken from the most eminent authorities on international law, which quotations fill about a third part of the whole Memorandum.

Even if it were to be admitted that the propositions laid down

by these authors are correct, yet they could not be used in support of the claim of the British Government, for the simple reason that they are not applicable to the facts under litigation.

The object of these quotations is to prove (Memorandum, page 3) "that for a foreign Government to assert jurisdiction over a British ship or those belonging to her on the high seas, or over the acts of those on or belonging to a British ship done on or from such ships or her boats upon the high seas, constitutes and is an infringement and usurpation of British sovereignty; to enforce it is an offence against the British State, and a wrongful act done to the British subject upon whom the jurisdiction is enforced. Whether such enforcement has been wilful or by mistake is matter to be considered as aggravating or mitigating the offence (as the case may be); in either case, the action is indeed an usurpation of British sovereignty, and a wrongful act as regards the British subject."

On this point, it is to be noticed in the first place that, if there were any ground for admitting that the British State had been insulted, and that therefore an indemnity ought to be paid, this allegation and this claim could in no case be considered as forming part of the matter which, by the terms of the Convention of the 16th May, 1895, is submitted to the decision of the Arbitrator. This matter relates exclusively to the indemnity claimed on account of the pecuniary losses which Carpenter, and the officers, crew, and owners of the *Costa Rica Packet* allege to have suffered in consequence of proceedings, alleged to be illegal, taken against Carpenter—which is, moreover, expressly acknowledged in the Memorandum (page 16).

In any case, however, it is really difficult to imagine how there can be here a question of an insult to *the British State* and a want of regard for the sovereign rights of that *State*.

The Netherland Government is anxious to avoid any expression which might not appear in perfect harmony with the amicable relations so happily existing between the two countries. Nevertheless, they cannot refrain from asking whether the tone in which the proceedings and decisions of the judicial authorities in the Netherland Indies were criticized, notably at Sydney, in the documents communicated to the Arbitrator by the British Government, does not rather constitute a cause for complaint on the part of the Netherland Government.

The "Law Officers of the Crown" rightly deny that there is here any question of an insult to the British State—"a deliberate insult to the British flag,"—while they add that, "in their view of the evidence, such an outrage is excluded."

Moreover, the irrelevancy of the testimony of the authors

quoted in the Memorandum is best shown by the quotation, borrowed from Chief Justice Marshall (page 6): "The rights of war may be exercised on the high seas, because war is carried on upon the high seas; but *the pacific rights of sovereignty must be exercised within the territory of the Sovereign*. If these propositions be true, a seizure of a person not a subject, or of a vessel not belonging to a subject, *made on the high seas*, for a breach of a municipal regulation, is an act which the Sovereign cannot authorize."

Quite so! If the Netherland Indian authorities had effected Carpenter's arrest outside the territorial limits of the Netherland Indies, *e.g.*, "on the high seas," they would certainly have been guilty of an infraction of international law, and if it is wished to put it that way, of an insult to the British State—even had the arrest been made on account of an offence of which these authorities were beyond all doubt competent to take cognizance.

Extra territorium jus dicenti impune non paretur.

But not one of the authors quoted in the Memorandum would dispute the proposition—which is indeed expressly admitted by several of them—that it is in the power, nay, that it is the duty, of every State to repress acts coming within the operation of the criminal law, when they have been committed within the territorial limits, and that this implies the right to arrest the accused person when found within these limits, and when the authority appointed by law is of opinion that there is a *presumption* of an infraction of the criminal law having been committed there.

If it appears later that this presumption had no foundation, or that it was not sufficiently confirmed, yet no right to an indemnity is admitted in the majority of countries—not even in *England*.

This does not merely affect the question of guilt, but also, in the case of any doubt being raised on this point, that of the competence of the Judge, of the responsibility of the accused, &c.; in one word, all the circumstances which can in any way influence the final decision.

It is always left to the conscience of the Magistrate to decide in each individual case whether the charges are sufficient to warrant the granting of leave to prosecute, with or without a writ of arrest. The Magistrate is answerable to nobody, and as the State is unable to exercise, through the medium of the Executive Power, the least influence on the decisions of the Courts, it could not be forced to grant an indemnity on this account. If the contrary were once admitted, the operation of the law would be thereby, as it were, paralysed.

No indemnity could be claimed by subjects of the State either in

the Netherlands or in the Netherland Indies or in Great Britain on the sole ground that the presumptions were not sufficient to warrant arrest; neither could a foreigner, therefore, establish such a claim.*

It seems strange that it should be possible to maintain the contrary, and yet, at the same time, adduce—as does the Memorandum on page 17—the authority of Hall, where he says (page 227) that in the case of “Wrongs” (that is to say, of injustice, of acts contrary to law) “inflicted by the Court,” an indemnity should be granted, “and if the wrong has been caused by an imperfection in the law” (i.e., when the proceedings have been in conformity with the law, but the law itself was defective) “of such kind as to prevent a foreigner from getting equal justice with a native of the country, that a recurrence of the wrong shall be prevented by legislation.”

It is not alleged, in the present case, that the proceedings were contrary to the law, and, if it were a question of grievances under the law itself, it could yet not be alleged that this law accords a less favourable treatment to foreigners than to subjects of the State. Conformably with Hall's well-founded theory, there would not exist in the case at issue—even if the presumptions on which the arrest was ordered should be regarded as insufficient—any right to an indemnity or any reason to alter the law.

The decision of the question whether the presumptions against an accused are sufficient, or not, to warrant the granting of leave to prosecute and the issue of a writ of arrest, rests exclusively with the Judge appointed by law.

According to the Netherland Indian law, the *proof* of the facts in consideration of which leave to prosecute is granted is not called for at this stage of the proceedings. The “reasonable evidence” spoken of in the Memorandum is, therefore, not required at this point. The Law Officers of the Crown therefore only speak of “plausible suspicion,” but they are wrong in stating that the decision of the Judge who grants leave to prosecute can be submitted to a further investigation with a view to ascertain whether the presumptions were *plausible*. The Judge himself, alone decides in this matter according to his own conviction.

* This proposition is not only admitted by the Law Officers of the British Crown in their above-mentioned Report, but it is confirmed by the opinion of a number of the principal authorities on the subject of international law. Cf. e.g., F. de Martens, *Traité de Droit International*, t. i, pages 447, 448; Pasquale Fiore, *Nuovo Diritto Internazionale*, i, §§ 648, 649, 678; Pradier Fodéré, *Traité de Droit International Privé*, i, § 200; Funck-Brentano et Sorel, *Précis du Droit des Gens*, page 226; Stoerk in v. Holtzendorff, *Encyclopædie der Rechtswissenschaften*, page 1300, § 38.

If it should appear later that the presumptions were unfounded, or if, *ex post facto*, they were not considered sufficiently important, it does not follow that the Judge who gave leave to prosecute thereby committed an illegal act, for which an indemnity is due, any more than, for instance, in the case of a naval war, an indemnity would be due from a State whose ships had exercised the right of stopping and searching neutral vessels. If it were subsequently proved that there were no contraband goods on board these vessels, and even if it were admitted that, *a priori*, there was no appearance of the contrary, there would yet be no question of any right to an indemnity.

The Government of the Netherlands might therefore refrain from refuting the allegations contained in the Memorandum with reference to the insufficiency of the presumptions on which Carpenter's arrest was ordered. Nevertheless, they do not hesitate to communicate the depositions which led to that order.

It follows also from these depositions that the prauw was encountered near the coast, although the exact distance seemed doubtful. Palmer, at his first interrogatory, declared literally as follows: "As we were navigating in the roads of Boeroe, near a locality called, as I afterwards learnt, Kajeli, we met a prauw loaded with some cases, but without any crew. On seeing this the master immediately ordered the cargo to be transhipped, and after passing Kajeli, he caused the cases which we had abstracted from the prauw to be opened, and we then discovered that they contained geneva, arrack, and brandy."

Palmer must, therefore, have seen Kajeli; and although, in his second interrogatory, he declares he did not know how far the *Costa Rica Packet* was from the shore at the time when the prauw was perceived floating not far from the Island of Boeroe, and that he then estimated the distance as from 16 to 20 miles—this estimate, expressed in such vague terms, did not carry weight enough to remove the doubt produced by the first deposition of the witness, more especially as opposite the Island of Boeroe, off the mouth of the Bay of Kajeli, where, according to Palmer, the *Costa Rica Packet* then was, lies the Island of Manipa, and as the width of the Straits of Manipa which separate these two islands does not, except in a few places, exceed 6 miles.

Besides, in Palmer's second deposition, it was a question of the distance from the shore at which the *Costa Rica Packet* was at the time of the discovery of the prauw on the eve of the capture, so that not only was it necessary to assume that the prauw was at that time at a short distance from the shore, but quite possible that the distance had been still further diminished on the morrow, when the goods were taken out of the prauw. Nevertheless

having regard to what had already been proved, this declaration was not judged a sufficient ground for granting leave to prosecute.

It was only on the deposition of Mr. Rimestad—obtained only two years later, owing to his whereabouts being unknown—that the order was made out, Rimestad having declared that, at the time of the discovery of the prauw, the *Costa Rica Packet* was not far from the shore, near Boeroe, and that, not only the dome-shaped mountain, but also the hills in the foreground were *clearly* visible.

It cannot, therefore, be denied that the greatest caution was exercised in this matter.

If it is borne in mind how difficult it is for all but experts to estimate with the eye alone the distance from the shore when out at sea, it must be admitted that the depositions of Palmer, and especially those of Rimestad, taken as a whole, afford sufficient ground for the assumption that the deed was committed in the territorial waters of the Netherland Indies, so that there was every reason for taking up the case by granting leave to prosecute.

It is true that the distance of 3 miles from the shore is not named in the depositions, and that Palmer, in his second interrogatory, spoke of a greater distance, though only approximately and very vaguely. On the other hand, Rimestad declared, without giving any figures, that the act “took place not far from the shore.”

It will thus be understood why the Magistrate, in his application for leave to prosecute, as well as the Court of Justice, in its order granting it, estimated the distance to have been probably not more than 3 miles.

The fact must, however, not be lost sight of that, *even if the deed did take place at a distance exceeding 3 miles from the shore*, it might, nevertheless, be considered as having taken place in territorial waters. For such waters are only limited to a distance of 3 miles from the shore when—and so far as—this limit has been established by a law or by an International Convention.

The law lays down nothing of this kind for the Netherlands or for the Netherland Indies. It is true that in the Convention respecting the police of the North Sea fisheries, concluded on the 6th May, 1882, between the Netherlands, Germany, Belgium, Great Britain, Denmark, and France, it is laid down that fishermen of each of these States shall enjoy the exclusive right to trawl in the North Sea up to a distance of 3 miles from the shore, but this stipulation concerns only the right to trawl, and has nothing to do with the Netherland Indies. Consequently, since not the exclusive right to trawl, but the general definition of the extent of the territorial waters of the Netherland Indies, is in question, there is nothing left but to refer to international law on the basis of the well-known proposition of Bynkershoek: “*Terræ dominium finitur ubi finitur*

armorum vis," as is now admitted by the most eminent authors on the subject.

Although the Magistrate, in his application for leave to prosecute, and the Court of Justice, in granting it, mention a distance of 3 miles, the Court might perfectly well have admitted—leaving the facts of the case to be ascertained by subsequent investigations—that the pillage of the prauw took place at a greater distance from the shore, and yet, at the same time, have declared, with regard to the question of *right*, in conformity with Bynkershoek's proposition, that the act should be considered as having been committed in the territorial waters of the Netherland Indies.

The Court of Justice, in setting Carpenter at liberty by the order of the 28th November, 1891, evidently attached to the declarations made by Carpenter himself and by his witnesses with regard to the actual position of the prauw at the time of the pillage an importance which is not justified by the report of the Admiralty at the Hague, a translation of which will be found among the Annexes. At the same time, the Court, in admitting that the territorial waters extend only for 3 miles from the shore, does not seem to have taken sufficiently into account the maxim laid down by Bynkershoek.

However that may be, England could not in any case reproach the Court with having taken on this point a view too favourable to the accused.

But, even if the Court of Justice had decided that the deed of which Carpenter was accused was not proved to have been committed within the limits of the zone which, according to the modern notions enunciated above, might be considered as forming the territorial waters—even then there would be no ground for asserting that the arrest had been an illegal act, for which an indemnity might be claimed.

The annals of international law furnish another example of such a claim, equally bold, and this claim also was presented by the Government of Great Britain, who, however, soon abandoned it.

In view of the striking analogy between the two cases, Pradier Fodéré's report on the case is here inserted *in extenso*, he having been simultaneously consulted by both the contending parties (the Government of Peru and the Diplomatic Representative of Great Britain *) :—

It was in December 1874. According to the plaintiff, a British subject, Mr. Higginson, had severely wounded with a revolver shot a Spanish-American, M. José Santana, on board an English vessel, the *Santiago*, in Peruvian waters. On landing at Callao, M. José Santana had lodged a complaint before the Peruvian authorities, who

* Pradier Fodéré, "Traité de Droit International Public," v, pages 534-535.

caused Mr. Higginson to be arrested. This gentleman having, at the conclusion of the judicial investigation of his case, been set at liberty, had put forward a demand, supported by the British Minister-Resident, for a substantial indemnity. This is what I replied:—

“I am entirely of opinion that the attitude of the Peruvian authorities has been absolutely correct in this affair, and that no indemnity on any ground whatever is due from the Peruvian Government to Mr. Higginson. The principles governing the question at issue are too well known to require special attention to be called to them. It is difficult to contest the right of sovereignty over the territorial waters of the State bordering on the sea. If these waters may, in fact, be considered as a continuation of the territory, and if each State has sovereign jurisdiction throughout its territory, then the territorial waters must be subject to this jurisdiction, and consequently the police regulations binding on the inhabitants of that territory, and even on strangers passing through it, are, in principle, applicable to foreign merchant-vessels crossing the territorial waters and anchoring at a spot on the coast. Can it be conceived that a foreign merchant-vessel should attempt to evade the jurisdiction of the territorial Sovereign in cases where the interests of that Sovereign are concerned without a grave infringement of his rights and a derogation to his dignity? Now, is not every State interested in the repression of crimes which may be committed within its territory—even its maritime territory—especially when the gravity of these crimes is such that no State would allow them to go unpunished, and above all in cases where the intervention of the bordering territorial authority has been invoked? In the present case, has there been an attempt made on the life of a passenger on board a foreign merchant-vessel? Has appeal been made to the territorial authority? Has the active assistance of this authority been applied for? The affirmative answer to these questions has been authentically established in all the documents of the case. It is declared and proved that José Santana, who was seriously wounded by a revolver shot fired at him by Mr. Higginson on board the steamer *Santiago*, crossing from Panamá to Callao, called at the police-station at that port, accused Mr. Higginson of having wished to assassinate him with a revolver, and demanded the punishment of the delinquent and the protection of the authorities of Callao, the attempt, according to his sworn declaration, having been made in Peruvian waters. Her Britannic Majesty's Minister will not contest these three facts: there was the complaint lodged by the victim, the appeal to the Peruvian authorities, the allegation that the crime was committed in Peruvian waters. Having brought before them a wounded man—wounded severely

according to the medical certificates, which will also be found among the papers—hearing a complaint formally bringing to their notice a crime committed in Peruvian waters, the authorities of Callao could not have, nay, ought not to have, remained inactive, more especially since the conduct of the captain of the *Santiago* was not entirely unsuspicious. Indeed, on the occasion of the visit of the Health Officers on board, the captain and crew of the *Santiago* maintained the strictest silence with respect to the sanguinary incident which had occurred on board the vessel. *This silence, which is clearly brought out in the documents, and which is so contrary to the usages of navigation, lent, it must be confessed, a singular force to the victim's complaint.*

“The authorities at Callao were, at least, compelled to pay greater attention to the charge formulated by Santana. There remained the question whether the crime attributed to Higginson had been committed in Peruvian waters. *There was, at least, the possibility of a doubt* in the face of the contradictory statements made on either side, and of the silence observed at first by the captain. It is, moreover, a fact that the mail-boats of the English Company running between Panamá and Callao coast along Peru without going far out to sea, and keep the land in sight nearly all the time, and that, consequently, they do not go out of the territorial waters of the Republic. In the face of this doubt, and of the appeal to their justice made by the severely wounded Santana, impressed also by the mystery in which the captain of the *Santiago* seemed desirous of shrouding the incident on board the vessel, the authorities of Callao effected the provisional arrest of Higginson, who, up to that time, appeared to enjoy a sort of immunity. *In adopting this precautionary measure, which could not in any way prejudice the question of guilt or innocence*, a measure the object of which was to safeguard the sovereign territorial rights of the Republic—in adopting this measure as a part of the preliminary judicial inquiry (“instruction”), at the instance of the victim, who stated that he had been shot in Peruvian waters, *the authorities of Callao, far from having violated the rules followed by most nations, applied them, on the contrary, in the most correct manner.* What happened? *The territorial Judge, after a thorough examination of the facts, acknowledged himself incompetent to deal with the case, and Higginson was promptly set at liberty after a few days' detention.* Is there to be found in these proceedings a sufficient ground for asserting the right to an indemnity from the Peruvian Government? It might as well be asserted at once that proceedings taken by the State in the public interest should be allowed to become a cause for a civil action on behalf of persons accused of crimes or misdemeanours. From fear of exposing themselves to this kind of

proceedings, private individuals and States would have to give up the most legitimate rights of their personal defence and of their sovereignty. The security of nations, which is not safeguarded by different rules than that of private individuals, would lose one by one all its guarantees.

“Assassination is a crime against the laws of nature, and as such all nations are interested in seeing it punished. It is a misfortune for a man to be accused of such an offence. *But it does not follow that* when information has been given of such a crime, and the victim of the outrage has invoked the justice of the State *within the supposed limits of its sovereignty, the action of the judicial police should give the accused a right to be indemnified for a preliminary detention*—(the power to order such detention being absolutely necessary)—especially when this measure, taken in the course of the preliminary investigation (“instruction”) has not been inspired by any malicious purpose. To conclude, I assert that the authorities of Callao acted in the case of Mr. Higginson as they ought to have acted”

Independently, however, of any question as to the limits of territorial waters and as to whether the pillage of the prauw actually took place within such limits—even, therefore, if the contrary were admitted (which it is not, by any means)—the fact remains that, as has already been mentioned in passing, there existed *presumptions* of the greatest weight, resting on matters of fact admitted or proved by the depositions, from which it was to be inferred that the Netherland Indian Judge was competent to deal with the case.

It must not be forgotten that the presumptions, as already explained, were sufficient at the stage at which the affair had then arrived. The question of furnishing proof only arises when, the preliminary investigation (“instruction”) having been concluded, and the case sent for hearing, the question of the guilt or innocence of the accused has to be determined, and when, after the examination of the witnesses in Court in the presence of the accused, and their confrontation with him, a definite judgment must be pronounced.

It may, however, be stated without fear of contradiction that, whereas, at that moment, *presumptions* alone were sufficient, the *proof* of the competence of the Judge had already been afforded when the order was granted for leave to prosecute, by means of the depositions which had been obtained. For it was then already sufficiently evident:—

1. That Carpenter had stolen goods from a Netherland Indian vessel;
2. That, at the first port where the *Costa Rica Packet* touched

after meeting the prauw—that is, at Batjan—Carpenter had not mentioned the fact in the “Ship’s Inward Report,” which he handed to the authorities, and that he had left blank the space set apart in that document under the heading of “Remarkable Events;”

3. That on arrival at Batjan, Carpenter had not handed over the goods abstracted from the prauw to the officials authorized to receive salvaged goods; but

4. That, on the contrary, Carpenter had sold for his own benefit the greater part of these goods.

Now, two different opinions are admissible as to the *time* when, and consequently as to the *place* where, the offence must be considered to have been committed—

(a.) Either: Carpenter when having the goods removed from the prauw had the intention of appropriating them, so that at that moment he was committing a theft;

(b.) Or else: this act at the time of commission bore the character of salvage for the benefit of whoever might be the owner of objects adrift on the sea, and the offence *was not committed till after the arrival at Batjan*, when, without making any declaration with reference to the vessel met with, Carpenter, instead of placing the objects in question in the hands of the competent authorities, sold or bartered away the greater part of them for his own profit.

(a.) In the first case, the offence was committed on board a Netherland Indian vessel, so that the Netherland Indian Judge was competent in the matter, in accordance with the generally recognized principles of law.

In anticipation of the Government of the Netherlands invoking these principles, the Memorandum says (page 11):—

“Some indication has been put forward on behalf of the Netherland Government that the prauw being Dutch, the municipal law of the Netherland Indies became in some way applicable, notwithstanding that the prauw was found, and the acts of Mr. Carpenter done, upon the high seas.”

The principle itself, the proposition that when an offence has been committed on board a ship it is the Judge of the State to which the ship belongs who is competent to take cognizance of the offence is not disputed, and could not be disputed, especially on the part of England. For this doctrine is not only admitted by the English authors of the highest repute (see, for instance, Sir Travers Twiss, “The Law of Nations,” 2nd edition, pages 273, 274), but is expressly sanctioned by the Statute Law of England, for the Act of Parliament in force at the time of the offence committed by Carpenter, 18 & 19 Vict., cap. 91, sec. 21, identical with section 687 of the Act 57 & 58 Vict., cap. 60, now in force, provides:—

"Where any person, being a British subject, is charged with having committed any offence on board any British ship on the high seas, or in any foreign port or harbour, or on board any foreign ship to which he does not belong, or, *not being a British subject*, is charged with having committed any offence *on board any British ship* on the high seas, and that person *is found within the jurisdiction* of any Court in Her Majesty's dominions, which would have had cognizance of the offence if it had been committed on board a British ship within the limits of its ordinary jurisdiction, that Court shall have jurisdiction to try the offence as if it had been so committed."

Nevertheless, the Memorandum raises four objections to the application of this undisputed and indisputable principle to the present case, namely:—

1. That the identity of the prauw and its owner had not been established by evidence.

2. That it was not apparent that any illegal* act was done on board the prauw.

3. That, according to English law and the general maritime law, the prauw and its contents became, upon their being taken possession of by the crew of the *Costa Rica Packet*, until the owner appeared and proved his ownership, the property of Her Majesty the Queen of Great Britain and Ireland.

4. That a water-logged and derelict prauw, without a crew, lost, until rescued, to its owners and others, floating about the ocean an inert mass at the mercy of wind and waves, without name, flag, or marks of identity, must be considered a *res nullius*, incapable of falling within the above-mentioned rule of the law of nations.

It is not very difficult to refute each of these objections:—

(i.) Even if proof of identity had been required at the first stage of the criminal proceedings in order to justify the granting of leave to prosecute, the depositions, which agreed entirely with regard to the nature and marks of the goods, would have sufficed to show that it was indeed the same vessel which had sailed from Boeroe carrying goods belonging to Frieser. But from all that had been ascertained at that time, there certainly resulted *presumptions* sufficient to warrant proceedings to be set on foot.

It would even appear to be a just cause for surprise that the identity of the prauw should be seriously disputed, since the notes taken by an impartial and disinterested witness like Rimestad show that the name of H. Frieser (unknown till then to this witness) was clearly inscribed on the cases.

* The word used in the English original text of the Memorandum is "criminal."—(Translator's note.)

(ii.) It will be shown hereafter that the act committed by Carpenter bore the character of a criminal offence. Suffice it to observe here that by order of the captain some of the crew of the *Costa Rica Packet* went on board the prauw and took possession of several cases of geneva, arrack, &c. This act was therefore certainly committed *on board the prauw*. This has been confirmed by the witnesses (Palmer, Rimestad, &c., as well as the three witnesses for the defence, who accompanied Carpenter from Ternate to Macassar), and has been admitted by Carpenter.

(iii.) The assertion (see above, No. 8) is inaccurate, as will hereafter be shown. But even were it correct, the vessel and its cargo would still not have been the property of Her Britannic Majesty at the time when the men of the *Costa Rica Packet* went on board to take possession of the goods.

(iv.) The rule of the law of nations, which is here in question (see above, No. 4), does not lose its application when a craft is on the point of foundering or is adrift in consequence of fortuitous circumstances. That does not make the craft a *res nullius*.

The confusion of thought which the Memorandum displays in representing the prauw as having been a *res nullius* will be noticed again hereafter. Moreover, what appeared to be probable from the beginning—namely, that the vessel had the right to hoist the flag of the Netherland Indies, and did, in fact, carry that flag—is now certain.

(b.) If it is thought that the case put under (a) does not here arise, either because the identity of the prauw was not established by sufficient presumptions, or because the fact of taking possession of the goods did not sufficiently prove Carpenter's intention of unlawfully appropriating them, it must yet be admitted that on his arrival at Batjan this intention became manifest, and was carried out by the selling of the goods.

The Court of Justice at Macassar decided on the 28th November, 1891, in accordance with the terms of the application ("réquisitoire") from the Magistrate, that the principle of the English criminal law concerning the continuity of the offence of theft could not be applied. Granted! but, anyhow, the British Government might be referred to this principle of English law when they claim an indemnity for acts which, according to the law prevailing in the Netherland Indies, were certainly not illegal.

However, even, if the above-mentioned principle of the English criminal law were not admitted, the act committed at Batjan ought to be considered as clearly falling within the competence of the Netherland Indian Judge, if the fact of the goods having been removed and transferred to the *Costa Rica Packet* is regarded as legal, that is, as an act of salvage, since in that case the illegal

intention was translated into actual deeds only at the moment of the sale of the goods at Batjan, and it was at this stage that the criminal act was committed.

The Memorandum, however, does not confine itself to disputing the sufficiency of the presumptions in favour of the competence of the Netherland Indian Judge, but also attempts to prove that no criminal act was committed by Carpenter.

As regards this contention, it is to be observed, in the first place, that on this point also sufficient presumptions only were required to justify the permission to prosecute and the arrest, and that it is left to the Judge to consider the weight of these presumptions.

But it is impossible to pass unnoticed the assertions contained in the Memorandum, which are as bold as they are astonishing.

It is put forward on page 9 that, according to English law, the prauw and its freight were "subject of salvage at the hands of the master and crew of the *Costa Rica Packet*."

This may be admitted, though the use of the word "derelict" (in the same sentence) might give rise to a misunderstanding by suggesting the idea of "objects abandoned."

The contention that Carpenter had acquired the right "to retain the possession until his services in salving the property were fittingly rewarded," and that therefore he was not obliged to give up the disputed articles to the proper authorities, is, to say the least, a very debatable matter, even from the point of view of English law. That, according to the words of the Memorandum, he "acquired for his Sovereign the property of the goods" is a pretty bold assertion, as it would seem that the solution of the question which State, in the event of no owner appearing, would have a right to the property must depend on the spot where they have been given up by the salvors, that is to say, in the present case, at Batjan.

But all this is hardly pertinent. Carpenter evidently had no more intention of placing these articles at the disposal of the Queen of Great Britain and Ireland than at that of any other State or Sovereign, since, without notifying the authorities in any way, he proceeded at Batjan to dispose of the goods for his own benefit.

Besides, the ideas which Carpenter entertained on the subject of the law are clearly shown in his deposition before the Magistrate at Macassar. For he made this declaration:—

"If I find a prauw at a distance of 3 miles from the coast, she is good prize, and I take possession of her." And further on: "One day in June 1888 I encountered, adrift in the Pacific Ocean, an abandoned vessel of about 1,700 tons. I took the sails and rigging from her, and am using them still," &c. "I did not report this fact on my return to Sydney"—naturally!—"I only told it to a newspaper reporter" (?). "In my opinion a vessel adrift in the

open sea (at a distance of more than 3 miles from the coast) with no one on board is abandoned; I may take possession of her. I do not know what 'Dutch law' says on the subject; I am not a 'lawyer,' with a knowledge of all the laws."

It is, however, evident that Carpenter is equally ignorant of English law, which certainly does not admit of such a pirate's theory.

The affair of the *Aquila*, mentioned in the Memorandum (pages 9 and 10), constituted a very different case from the present one—for the *Aquila* was supposed to be a *hostile vessel*, while the rights of the owners could only be recognized in the event of its being shown that they were *neutral*. "Some suspicions occurred that it was in fact the property of an enemy; and, under these circumstances, it became expedient to proceed against it as prize for the purpose of meeting the pretensions of the ostensible neutral owner, and of bringing the examination of his claim, where alone it could be properly discussed with the Prize Court."

Moreover, the Judgment given in this case, as quoted in the Memorandum, rightly rejects the salver's plea "that it is the property of the goods, and not a mere title to reward, that has been acquired by the finders," and further on lays down "that it is the general rule of civilized countries that what is found derelict on the seas is acquired beneficially for the Sovereign, *if no owner shall appear*." And, lastly, "the finder can have no property in them, only a reward for the trouble in preserving them."

The same principle has been recognized in the case of the *Integrity*, mentioned in the Memorandum (page 10).

According to the terms of this perfectly correct rule, Carpenter, in not giving up the goods in question to the competent authorities at Batjan—which he ought to have done, in accordance with Article 550 of the Commercial Code for the Netherland India, as well as according to English law, and the principles of law in general—but, in disposing of them for his own profit, committed an encroachment on the right of the owner, and, in the event of his not appearing, on the rights of the State.

And yet the Memorandum says with regard to this question of law: "It is clear that the facts of the case do not show Mr. Carpenter to have been guilty, according to English law, of the crime of theft, nor, indeed, of any criminal offence at all"—which is really inexplicable.

It is clear, on the contrary, that Carpenter's claim conflicts directly with the law of all civilized nations, and must be regarded as most dangerous to security on the high seas.

Though in the English documents it is repeatedly alleged that Carpenter was prosecuted on the count of "piracy," he was simply

charged with theft, in accordance with the terms of Article 316 of the Penal Code for the Netherland Indies, and it is quite evident that the act committed contained all the elements of this crime. Carpenter not only knew that the articles which he had taken were not his, and that, therefore, he was not at liberty to dispose of them for his own profit, but he even knew, or might have presumed, that they were the property of Frieser.

It should not, however, be forgotten that, even if there could have been any doubt on that score, this could not have been regarded as constituting a reason for not granting leave to prosecute and issuing a warrant of arrest, any more than a doubt respecting the facts or the Judge's competence could have been so regarded. The legal question involved would in that case have been gone into at the trial, if the case had been set down for hearing.

After showing that Carpenter had no reason to complain of any "injustice," since he was dealt with according to the law of the country—and that by no means in its utmost rigour—it still remains to refute the assertion contained in the Memorandum that Carpenter was treated with excessive harshness and severity. The Memorandum qualifies the proceedings in Carpenter's case as "oppressive," and, on the faith of an inquiry held at Sydney by a Commission composed of Members of the New South Wales Legislative Council, it alludes to "indignities suffered by him."

The Government of the Netherlands might confine itself to observing that all the allegations on this head depend for their truth upon statements made by Carpenter himself and three men of his crew, who appeared as witnesses in their own cause, and provided the materials out of which was constructed the claim for damages made on their behalf. The fact that charges based on evidence so obtained should have won credence both at Sydney and in London makes the position of the Government of the Netherlands a very difficult one, and if now they, on their part, have decided to set on foot a special inquiry into each of the facts to which these charges refer by causing the various persons scattered through the Netherland Indies, who are able to throw any light upon the matter to be examined by the authorities, they have done so only because they deemed it necessary to furnish the British Government with the proof of their desire to establish the entire falsehood of the imputations and of the grievances alleged by Carpenter and his companions.

In what are these "oppressive proceedings" and "indignities" said to consist?

1. It is advanced that Carpenter, upon arriving at Ternate, was arrested by the Resident without its being intimated to him on what charge the arrest was made. By the law of the Netherland Indies

it was in no way necessary that this intimation should be made at the moment of the arrest. But Carpenter was told by the Resident at Ternate that his arrest had been ordered on the ground of what had happened with the prauw, and the Resident even advised him to take three of his crew with him to Macassar to act as witnesses for the defence. This goes to prove that he was treated at Ternate with a consideration such as is not commonly shown.

On the 2nd November, 1891, Carpenter was informed of the warrant for his arrest on the charge of theft, and on the 16th November he was told at Macassar of the order by which leave to prosecute him had been granted, and a warrant of arrest issued, in which order the facts charged against him were more fully specified.

2. It is maintained that at Ternate Carpenter offered to find a surety in 100,000 fl., which was refused.

It is nowhere shown that this offer was actually made, or at least that it was made in good faith. On the other hand, it is proved beyond doubt that Carpenter was not provided with money, and possessed no credit. It is, therefore, extremely doubtful whether he could have found so heavy a surety.

But, be this as it may, the law of the Netherland Indies does not allow of a prisoner being liberated, or spared incarceration, upon giving sureties. The authorities could, therefore, never have accepted this offer, even had it been made.

3. Although the second officer of the *Costa Rica Packet*, John Gallegher, ventured to declare upon oath, during the inquiry held at Sydney (question and answer 616), "I never saw a man treated with greater contempt than he (Carpenter) was, both at Ternate and Macassar," Carpenter himself declared several times (*inter alia*, in answer 38) that the Resident and the other officials at Ternate "did everything they could to make things as comfortable for me as possible," as also in reply to the following answer: "Then you had nothing to complain of in regard to your treatment at Ternate?"—Nothing except being kept in confinement in gaol." (See also Carpenter's answers to questions 40 and 41.)

4. Carpenter has stated, and even repeated on oath (question and answer 41), that the Government would have compelled him to make the voyage from Ternate to Macassar on the deck of the steam-ship *Coen* had he not taken a second-class passage at his own expense. He states that he paid for this passage. This assertion is repeated several times, and even Her Majesty's Minister at the Court of the Hague has put it forward in a Memorandum handed by him on the 20th June, 1894, to the Netherland Minister for Foreign Affairs. It is there declared "that on board the steamer which conveyed him

to Macassar he would have had to make the passage, which lasts ten days, upon the deck without shelter, herding with the coolies and sharing their food, had he not secured a second-class cabin for himself and his officers, of which he personally defrayed the cost."

Well, all this is a pure invention on Carpenter's part. The truth is, that the authorities gave orders that Carpenter should have a second-class passage, and they paid it.* There was never any question of conveying him upon the deck of the vessel. When it is remembered with what consideration Carpenter was treated at the time when he was transferred from Ternate to Macassar, it seems strange that assertions of this kind should have been reproduced. The same remark applies to the absolutely false statements which Carpenter thought fit to put forward as to the treatment he experienced at Macassar.

5. It is alleged that, "in the prison at Macassar Carpenter was confined in a cell which bore the inscription 'for condemned Europeans,'" and that he was detained here in company with a sick Malay. According to his statement, he was left there in the dark from 6 o'clock at night to 6 o'clock in the morning, and was obliged to sleep upon the ground, thereby contracting an illness. An insufferable stench is said to have pervaded the cell, and the food assigned to him—the same as was prepared for the natives—is described as having been so detestable that he could not touch it, so that he was unable to eat at all until Mr. Bernard was kind enough to send him food from his own table. In other respects, too, he declares that the treatment he received in the prison was severe and harsh. His counsel was denied access to him, and when, at rare intervals, Mr. Bernard or some other person was allowed to visit him, an officer of the prison was always present to hear their talk. Lastly, while walking from the prison to the building where the Court of Justice sat, Carpenter alleges that he was always escorted by a native carrying a sword and a rope.

The inquiry instituted by the Government of the Netherlands has proved the utter baselessness of these complaints.

In the course of this inquiry, it has been proved by the statements of a large number of witnesses:—

That the cell reserved for condemned Europeans had originally *not* been assigned to Carpenter, but that at his request he had been allowed to occupy it in order to spare him the annoyance of being imprisoned in company with Frieser;

* As to the three men of the crew, whose journey was undertaken solely in Carpenter's interest, so that the Government was under no obligation to bear the expenses connected with it, the authorities proposed to pay their third-class passages; but Carpenter paid out of his own pocket the supplements to enable them to travel second class.

That condemned Europeans are only confined in the prison at Macassar when sentenced to a term of less than twelve months' imprisonment; those who are sentenced to a longer term being transferred to Samarong;

That the prisoner with whom Carpenter was confined was not a Malay, but a European soldier named Kramer, who was suffering from a disease neither in any way contagious, nor inconvenient for another person;

That the cell occupied by Carpenter was in no wise damp, but that the sun shone upon it from 2 o'clock to half-past 4 in the afternoon; that the door was left open all day long, whilst at night a window could be opened, and that to improve the ventilation, there was another opening, protected by wire above the door;

That this cell, as every other cell of the prison, contained a pail with a cover for the purpose of satisfying natural wants; that this pail was removed every morning at 4 o'clock, emptied, cleansed with sea-water, and immediately brought back, whilst in the day-time the prisoners could make use of some pails which were set apart for the purpose behind the prison;

That in the cell in which Carpenter was confined there were two sleeping bunks, but that immediately after he entered the prison the Director offered to have an iron bed upon a camp bedstead placed there for him, an offer which Carpenter declined, saying that he was accustomed to a hard bed;

That the cell was opened at 4 A.M. to take out the pail, and permanently opened at 5 A.M. (not at 6): from which moment Carpenter was free to take the air, and that the cell was not closed till 8 P.M. (and not at 6);

That the cell was lighted by a lamp;

That no evidence can be found of any illness, or, at least, of any serious malady, which attacked Carpenter while in the prison at Macassar;

That the food intended for Carpenter in the prison was paid for by the State at the rate of 2 fl. per diem; that it was very good, better even than that of the European non-commissioned officers and men of the Colonial army, and far superior to that of the native prisoners, so that there was no need for Carpenter to have his food fetched from Mr. Bernard's house;

That Carpenter was constantly allowed to receive visits not only from Mr. Bernard, but also from M. Boogaardt, of Singapore, and that no third person was present at these visits;

That, contrary to the custom in the Netherlands and the Netherland Indies, he was actually allowed to confer with his counsel during the preliminary investigation, and that, through the agency of his visitors, he possessed ample opportunities of keeping in contact

with the outer world—more, perhaps, than is generally desirable in the interests of justice ;

That when Carpenter had to appear in the Court of Justice he was escorted by the first turnkey; that it would have been impossible to provide a European for his escort, since the Director had no European at his disposal; that Carpenter walked free and without chains, whereas criminals are put in irons; and that the turnkey was ordered to walk always at some distance behind Carpenter;

That M. van Aagten, then Director of the Prison at Macassar, was known to be a man who discharged the duties intrusted to him with mildness and humanity, so much so, that when the judicial authorities came to visit Carpenter in prison, he declared that he had nothing to complain of ;

That the preliminary investigation ("instruction") was conducted with the greatest expedition, and was concluded in an exceptionally short time, viz., twelve days after the arrival of Carpenter at Macassar.

6. Another of Carpenter's complaints is, that the decision of the Court of Justice in his favour was communicated to him by the single word "Pigie," and that subsequently no one concerned himself with him or his return voyage. It certainly happens very rarely that a prisoner complains of the conciseness with which he is informed of his liberation. That, as a matter of fact, the expression "You may go"—to which he takes exception—was used by the officer of the Court is not definitely established, but it is certain that in Carpenter's own interest steps were taken to set him at liberty with all possible dispatch.

When on the 28th November, 1891, it had been decided not to wait for the term fixed by Article 101 of the Regulations for Preliminary Investigations in criminal cases in the Netherland Indies, the decree ordering the release of Carpenter was pronounced that very day, and on the same day he was liberated without the formality of a trial.

If they had proceeded to make out a copy of the Decree, in order to notify it to the party concerned, this would have necessarily caused a certain delay, and then Carpenter would doubtless have complained—and with more reason—of the slowness and pedantry of justice in the Netherland Indies.

In accordance with the terms of the Order No. 234, which appeared in the "Bulletin Officiel des Indes Néerlandaises" of 1873, Carpenter, after his liberation, could have demanded to be sent back from Macassar to Ternate at the Government expense.

Had he availed himself of one of the steamers which were about to sail from Macassar for Ternate at that time, he could have been
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back at the latter port towards the middle of December. But he refused to make use of them, preferring to go to Sydney.

This is as succinct a summary as possible of the result of the inquiry held by order of the Netherland Government. The complaints so loudly put forward by Carpenter of the treatment to which he was submitted at Macassar are, therefore, proved to be entire fabrications.

These facts, as now established, throw a strong light upon Carpenter's intentions.

Though warned that the judicial authorities in the Netherland Indies were seeking to arrest him, he, nevertheless, disembarked at Ternate.

Upon the occasion of his arrest, he let fall the exclamation that henceforth a peaceful life was secured for him in Sydney.

Although Young, the second officer, was fully competent to replace him in command of his vessel, Carpenter ordered it to be left at Ternate.

After leaving prison on the 28th November, 1891, he did not take advantage of the opportunity given to him of returning at the expense of the Netherland Government to Ternate, where he could have resumed the command of his ship, but went to Sydney, evidently with the object of starting an agitation there, and only returned to his vessel at Ternate in April 1892. The object of these proceedings was to make a claim for excessive damages, as was afterwards done.

Even if there could be any question of obligation on the part of the Netherland Government to grant an indemnity—which they most explicitly deny—the amount claimed by the British Government must in any case be held to be totally unjustified, and excessive beyond measure.

In this connection it must, in the first place, be observed that the claims advanced on behalf of the owners, officers, and crew of the *Costa Rica Packet* are utterly devoid of foundation in point both of fact and of law.

For even if an illegal act had been committed in the case of Carpenter, and even were it admitted that a third party had been prejudicially affected by his arrest, the Netherland Government could not be held answerable for these *entirely indirect consequences* of such arrest."

At first the British Government rightly held the same view.

Thus, as far back as the 17th June, 1893, the Marquess of Ripon made the following communication to the Agent-General for New South Wales in London: "That in deciding to make no claim on behalf of the owners and crew, Her Majesty's Government acted on the advice of the Law Officers of the Crown, who advised that the

alleged loss to the owners and crew could not properly be included in the claim, as it did *not so necessarily follow* the arrest of the master as to make it fitting to prefer a claim for compensation in respect of it."

On the 13th July, 1893, a statement in the same sense was made in the House of Commons by the Under-Secretary of State for Foreign Affairs, and about a year later, on the 22nd May, 1894—consequently when ample time had been afforded to consider in London the report of the examination of the parties interested, held at Sydney in October and November, 1893, and to study its contents—the above-mentioned Agent-General was informed by the British Government that they must adhere to their opinion "that the alleged consequential losses are *too remote*, and cannot properly be claimed in the circumstances of this case, and as regards the claims of the owners and crew, Lord Ripon regrets that he can add nothing to the decision conveyed in the letter from this Department of the 17th June, 1893"—see above—"that the alleged loss could not properly be included in the claim, as it did not so necessarily follow the arrest of the master as to make it fitting to prefer a claim for compensation in respect of it."

Meanwhile, on the 20th May, 1893, the British Representative at the Hague had, in the name of his Government, presented a claim for 2,500*l.* on behalf of Carpenter to the Netherland Government, it being observed in respect of this claim that "Her Majesty's Government wish to keep the claim arising from the arrest within the narrowest possible limits, and they will not, therefore, put forward any claim on account of the alleged loss suffered by the crew and owners of the *Costa Rica Packet*."

About a year later—on the 11th May, 1894—the British Minister again urged the claim for 2,500*l.*; there was as yet no question of any other claim.

It was, therefore, not without some surprise that the Netherland Government learned, from the note addressed by Sir H. Rumbold to the Netherland Minister for Foreign Affairs on the 2nd October, 1894, that the British Government then laid down as an express condition of their agreeing to the proposed reference of the dispute to arbitration, that the claims of the crew and owners of the *Costa Rica Packet* should likewise be submitted to arbitration.

When, in this connection, M. Roëll pointed out to the British Representative, on the 12th October, 1894, "that these latter claims had been formally set aside at a previous date, as is shown in your note of the 20th May, 1893," the Minister replied, on the 13th November following: "The claims were not, as stated by your Excellency, formally set aside by Her Majesty's Government, but, in

order to obtain a speedy solution, they expressed to the Netherland Government their readiness to accept a compromise."

Now, this statement is not correct. There was never any question of a "compromise" with a view to "obtain a speedy solution." So far from this being the case, the original claim was based on the *legal* opinion of the eminent lawyers who are employed as Legal Advisers to the British Crown, and who had come to the conclusion "that the claim should be based upon the actual personal loss inflicted upon the claimant, and they did not see how this could reasonably be placed at a higher sum than 2,500*l*."

Nevertheless the Netherland Government did not hesitate to accept the condition that the claims of the owners and crew (claims which the Legal Advisers to the British Crown, as also the British Government itself at the outset, had declared to be unfounded) should be included in the Arbitration, as there was no doubt at the Hague as to the favourable result of an investigation of these claims.

Yet even if there could be a question of an indemnity *as of right* on account of the indirect losses which are alleged, the figures set forth in the Memorandum are entirely fictitious, and devoid of all foundation *in fact*.

Needless to say it is impossible to accept as evidence the statements made on the subject of the amount of the damages by the parties concerned (*viz.*, by Carpenter and by Adam Forsyth, Manager and Director of the firm Burns, Philps, and Co. (Limited), owners of the *Costa Rica Packet*). Now, no other evidence is adduced in the Memorandum.

It might, therefore, be considered almost superfluous to point out that the inaccuracy of the allegations on which this claim is based is confirmed by other circumstances.

For instance it is alleged that, in consequence of Carpenter's detention, the *Costa Rica Packet* was unable to take advantage of the most suitable season for whaling. It is asserted that the season lasts from the 1st November to the 10th January, reopening about the 1st June. But according to Carpenter's own statement: "the season being *at its height* from the beginning of November to the *end* of January," the above assertion cannot be true, for if the season is at its height at the end of January it necessarily follows that it must last beyond that date.

This is again confirmed by the "Ship's Inward Report," dated the 18th February, 1888, which Carpenter filled in and signed with his own hand, and in which the destination of the *Costa Rica Packet* is described by the word "cruise," which obviously means that whaling was the object of the voyage.

The truth of Carpenter's statement, that whales are encountered

in the Molucca Straits from the 1st November to the 10th January only, is further disproved by the depositions on oath which were taken before the Resident at Ternate on the 26th June, 1894, by the Commander, second officer, and third officer of the Government steam-ship *Zeemeeuw*, stationed at Ternate. These officers had, in the course of a long stay, acquired a thorough acquaintance with those waters, and they were unanimous in declaring that on all their cruises they had seen whales and cachalots *throughout the whole year*. The Commander and second officer spoke to having seen a whole school of the cetacea in the neighbourhood of Gani on their last cruise as late as the month of May.

But, however this may be, even though the whaling season in the Straits of Molucca lasted only till the end of January, there was no possible reason why the *Costa Rica Packet* should have let this portion of the season slip by without taking advantage of it.

The vessel had not been seized, and it was only upon an order given most explicitly by Carpenter after his arrest on the 2nd November, 1891, that it was detained at Ternate.

The statement that Carpenter *alone* had knowledge of the places where whales were likely to be found, and that, therefore, it was out of the question to resume the expedition under the command of another, say, of Young, the second officer, whose business it was to take the captain's place, and who, moreover, was himself whaling master, is a sufficiently strange assertion, and one which, at any rate, has not been proved.

But even though the truth of this statement were granted without any proof in its support being required, it must be conceded that, if Carpenter had taken advantage of the first opportunity which presented itself after his release from gaol at Macassar on the 28th November, 1891, to return to Ternate—which, as stated above, he could have done at the expense of the Government of Netherland India—he could have been back on board his own vessel by the middle of December, in which case only about six weeks of the whaling season would have been wasted.

But under no circumstances, not even though the whole of the fishing season had been wasted, would the figure given as representing the amount of the indemnity be justified.

The imaginary character of that figure is at once perceived on reading the deposition on oath of the man Bernard, the friend of Carpenter, made before the Magistrate at Macassar on the 10th May, 1894. It states that the *Costa Rica Packet* brought back in the year 1889 a sum which, when deductions had been made for expenses and for the crew's share in the profits, amounted to 8,000*l*. This represented a six months' season, including the voyage to

Sydney and back, and, according to Carpenter, was to be reckoned as "a good year."

Now, assuming that 1891 would have been an equally good year, which is by no means proved, and if from the six months' season three months are deducted for the voyage to Sydney and back, leaving three months to be devoted to whaling, the loss sustained by the owners and master of the vessel through the arrest and enforced absence of Carpenter from his ship would not, as is alleged in the Memorandum (page 35, 10,324*l.* + 2,000*l.*), have amounted to 12,324*l.*, but could in any case not be estimated at more than about the half of 8,000*l.*, that is to say, at about 4,000*l.*

But not even this latter figure could be held to be sufficiently justified, since it is only founded on a communication made to the man Bernard by Carpenter himself.

Moreover, it must again be observed, before concluding, that it has been by no means shown that the *Costa Rica Packet* could not have gone whaling under the orders of another master during Carpenter's detention.

Among the items of the losses sustained by the owners of the vessel, the Memorandum mentions the sum of 2,193*l.* 5*s.* 11*d.*, representing the loss on the sale of the vessel at Singapore. This figure is arrived at by deducting the proceeds of the sale, viz., 1,395*l.* 4*s.* 1*d.*, from 3,588*l.* 10*s.*, which is the value Carpenter chose to set on the vessel at the beginning of the voyage.

On this point it must be observed:—

1. That the above estimate is quite an arbitrary one and obviously exaggerated, for it has been ascertained that already on her arrival at Ternate the vessel was in a very dilapidated condition.
2. That the result of the sale of the vessel by public auction at Singapore certainly cannot be held to represent her actual value at that time.

As the sale of the vessel was by no means a necessary consequence of Carpenter's arrest, there are no grounds for claiming an indemnity for damages arising from such sale.

Lastly, the owners demand, as compensation for out-of-pocket expenses, the enormous sum of 3,577*l.* 12*s.* 11*d.*, there being no possibility of ascertaining how far that figure may be correct.

The crew's share of loss of profit is estimated at 8,000*l.*, out of a total amount of about 20,000*l.* But if, as has been shown, the amount of 12,324*l.* has to be reduced to about 4,000*l.*, the crew's share would, in the same proportion, amount only to 2,600*l.*

In the same way, Carpenter's personal share would not amount to 2,000*l.*, but only to about 630*l.*, and the owner's share to about 3,350*l.*

Whilst Carpenter puts down a sum of 500*l.* for counsel's fees and

travelling expenses, the papers show that his defence only cost him 800 fl., or about 66*l*. The journey from Ternate to Macassar cost him nothing, and he could have made the return journey at the Government's expense. If, as has already been stated above, Carpenter preferred to go to Sydney to make out a case against the Netherland Indian Government, this does not entitle him to claim the travelling expenses of that journey.

Lastly, Carpenter's claim for 5,000*l*. as indemnity for his arrest, &c., must really be considered as the height of all these exaggerations.

After a perusal of the documents and an examination of their contents, it is even difficult to understand how the Law Officers of the British Crown could have assessed the sum of 2,500*l*., unless their opinion, "that they did not see how this" (the expenses incurred by Carpenter) "could reasonably be placed at a higher sum than 2,500*l*." be considered as representing that figure as the maximum.

To summarize all the foregoing, the Netherland Government contends:—

1. The arrest and detention of Captain Carpenter on Netherland Indian territory were acts carried out by the competent judicial authorities, by virtue of a judicial decree, entirely in accordance with the laws in force.

2. By the terms of these laws, the arrest of an accused person may be proceeded with if the presumptions existing against him appear to the Judge sufficient. If, *ex post facto*, these suspicions are not considered sufficiently weighty to warrant the accused being brought to trial, the law accords him no indemnity on these grounds.

3. Foreigners cannot claim an exception in their favour from the law applied to subjects of the State.

4. Even could there be any question of instituting an inquiry in regard to the presumptions which led to the arrest of Carpenter, it would be established beyond any doubt that these presumptions were sufficient both as regards the question of whether the act had been committed and was a punishable offence, and as regards the question of the competency of the Netherland Indian Judge in the matter.

5. With respect to this last point, it was not certain *a priori* at what distance from the Netherland Indian coast—in sight of which the vessel was—the pillage of the prauw took place; whilst if it had been admitted that it had not happened in territorial waters—which in any case extends beyond a distance of 3 miles from the coast—the presumption remained that the Judge was competent, whether on the ground that the goods were seized on board a Netherland

India vessel, or—in case it were admitted that the intention to save the goods for the benefit of the owner existed from the outset—on the ground that the appropriation of the goods, by sale or barter, was effected at Batjan, in Netherland Indian territory.

6. Not only has Carpenter's complaint of the harshness and want of consideration with which he alleges he was treated remained wholly unconfirmed, but, on the contrary, he was treated in a humane manner which is far from common; whilst, had not the judicial authority at Macassar applied in a very liberal measure the principle "*in dubio, pro reo*," he would without doubt have been sent before a Court for trial, found guilty, and sentenced.

7. The claims for an indemnity both on behalf of Carpenter, as well as on behalf of the officers, crew, and owners of the *Costa Rica Packet*, are therefore devoid of all foundation, while the sums claimed are in no respect warranted.

*No. 3.—New Memorandum in support of the Demand of the British Government from the Netherland Government in the matter of the Ship Costa Rica Packet, and in reply to the Counter-Case of the latter Government.—June 1896.**

HER Britannic Majesty's Government have had an opportunity of considering the Counter-Case presented by the Netherland Government in support of their contentions, and by way of reply to the Memorandum of the former Government. Her Majesty's Government submit respectfully to the Arbitrator that the Netherland Government have not succeeded in displacing the reasoning set forth in the British Memorandum, and have not been able to shake the essential positions upon which the Case of the British Government is founded. It seems therefore unnecessary to deal at any great length with the main contentions of the Netherland Government, or to repeat the arguments in the British Memorandum which in effect contain the answer to those contentions.

It is now possible to form a precise judgment as to the evidence which the Netherland Indies authorities had before them when they issued the warrant for the arrest of Captain Carpenter, captain of the vessel *Costa Rica Packet*, sailing under the British flag, on the charge of "having taken possession in the beginning of the year 1888, and probably in the month of February, of a prauw, drifting in a state of abandonment at sea at a distance of 3 miles at most

* *Note.*—The Appendices to the British Memorandum are, where referred to in this Memorandum, spoken of as "Appendices;" the Annexes to the Counter-Case are referred to as "Annexes;" and the Appendix to the present Memorandum is indicated by the use of the word "Schedule."

from the Island of Boeroe, and with having seized and fraudulently appropriated to himself, at the place aforesaid, to the detriment of Mr. Frieser, certain merchandize therein contained."

It is submitted that the actual evidence before the authorities in the Netherland Indies at the time of the issuing of the warrant was not nearly as strong as was alleged in the Report of the Procureur-Général to the Governor-General of Netherland India of the 3rd July, 1892; and it now seems clear that the conclusion to which the Law Officers of the Crown came when they advised Her Majesty's Government that there was not sufficient evidence before the authorities to make out even such a case of reasonable suspicion as could be treated as a sufficient cause for the arrest of Captain Carpenter is amply justified by the actual evidence which is now for the first time disclosed as that on which the Netherland Indies authorities acted.

What was the actual evidence before the authorities? The alleged offence was said to be committed on the 24th January, 1888. The authorities at Batjan appear to have been informed, even according to the admissions of the Netherland authorities, before May 1888, by the photographer Bimstadt of the events of the 24th January, 1888, and such information appears to have been passed on by them to Frieser, who, on the 28th May, 1888, writing from Amboina, lodged a formal complaint with the Resident of Amboina. On the 1st June, 1888, Palmer, the mate who deserted from the *Costa Rica Packet*, was examined (not on oath) at Banda and stated as follows:—

"Sailing in the direction of Boeroe, and near a place called, as I have been informed, Kajeli, we fell in with a prauw laden with several cases, but without a crew. At this sight the captain at once gave orders to tranship the cargo, the order was carried out, and having passed Kajeli, the captain ordered the cases, which he had removed from the prauw, to be opened, and we then found that they contained gin, arrack, and cognac. Subsequently, by the captain's orders, we closed the cases again and abandoned the prauw to its fate."

Palmer was again examined on the 21st June, 1888, and the following questions and answers were then put and made:—

"Q. What distance were you with the *Costa Rica Packet* from the shore when you sighted, drifting near to Boeroe, the prauw, of which your captain took possession?—A. I cannot say.

"Q. Can you estimate the distance?—A. I estimate the distance at from 16 to 20 English miles."

The Netherland Government have attempted to suggest that the last quoted answers refer to the position of the prauw on the evening of the 23rd January, 1888; but it is obvious when the two

examinations are read together, and read fairly with a view only to ascertain the meaning they conveyed and were intended to convey by the witness Palmer, that he was referring to the morning of the 24th January, when the prauw was both sighted and taken possession of, that being the only day referred to in the two depositions. Moreover, even if this were not so, there is no probability, having regard to the well-known currents prevailing in the locality, that the prauw would be any nearer land on the morning of the 24th than on the evening of the 23rd, as suggested in the Counter-Case.

Subsequently certain natives were examined who gave evidence of the contents of the prauw which is stated to have been loaded in Kajeli Bay on behalf of Frieser, and it is to be borne in mind that this evidence was given after Frieser had obtained full information as to what had been the contents of the prauw found by the *Costa Rica Packet*. Nevertheless, all these witnesses profess themselves unable to say whether there were any, and, if any, what marks on the cases which they put into the prauw which was loaded in Kajeli Bay. They do, however, depose to two circumstances of importance, namely, that the prauw which was loaded on behalf of Frieser had outriggers, and, moreover, that it was painted in a peculiar way, namely, the keel was painted black and the hull green. On the 27th August, 1890, Rimstadt, the photographer, was examined at Malong, and on reading his evidence the three following facts should not be lost sight of:—

1. He is the person who was alleged to have originally gives information of the events of 24th January, 1888, at Batjan.

2. He had in the meanwhile been in communication with Palmer at Soerabaya.

3. It is manifest from the entries he made in his pocket-book, that he was a witness with an evident bias against Captain Carpenter.

This witness deposed as follows:—

“Q. Did the *Costa Rica Packet*, cruising in the vicinity of the Isle of Boeroe, fall in with a prauw, drifting at sea without a crew, but loaded with merchandize?—A. Yes.

“Q. Please relate in detail what passed when the *Costa Rica Packet*, cruising in the vicinity of the Island of Boeroe, fell in with this prauw.—A. A man on the look-out discovered the prauw, which, judging by its irregular movements, was abandoned. The ship's boat was put to sea to examine the prauw and to bring her alongside our vessel.

“Q. Did the falling-in with the abandoned prauw take place in the month of January 1888?—A. I believe the falling-in took place in the month of January 1888. A leaf in my note-book, which contained a note on the subject, has got lost.

"Q. What was about the distance between the *Costa Rica Packet* and the land when the falling-in with the prauw took place? Was the coast of Boeroe still in sight? Could you still distinguish, for instance, the locality of Kajeli?—A. We were not far from the land. I could distinctly see the summit of the mountain in Boeroe in the form of a dome as well as the hills in the foreground, but I could not make out the details, so far as I can remember, at this moment; I do not remember having been able to distinguish the coast nor any place on the coast.

"Q. Did the prauw in question have distinguishing marks? Was it a prauw provided with an outrigger on each side? Was the prauw painted black?—A. The prauw was of a dark colour. In the middle was a sort of cabin rising up from the bridge. I do not remember whether the prauw had outriggers."

It is evident that this witness, if he had been asked, would have fixed the distance between the place where the prauw was found and the land at considerably more than 3 miles, and for the reasons set forth in the British Memorandum and in the Schedule, it is submitted there can be no question but that the description of the witness is altogether inconsistent with there being a distance "of not more than 3 miles" between the place where the prauw was found and the land, and that his evidence points to a far greater distance.

It is further important to notice that when this last witness was asked whether the cases bore any marks, he said that they bore the name of "Frieser Amboina," and he states that he remembers it because he recorded it in his diary. In the extract from his diary, set out in his evidence, the name is spelt "Freazer," which it is submitted is the phonetic spelling that would be employed by an English-speaking person in writing the name "Frieser," and this manifestly shows that the witness could not have copied the name from the cases as he suggests. Apart from Frieser's deposition (which is of no value for this purpose), and apart from the alleged coincidence of a part of the cargo found in the abandoned prauw being similar to a part of the alleged cargo said to have been in the prauw which was lost in the Kajeli Bay, there is no other evidence whatever of any of the cargo found in the abandoned prauw having been Frieser's.

As regards the prauw itself, the authorities do not appear to have directed any serious efforts to ascertain whether the prauw found was identical with the prauw lost, while the description of the prauw given by the witness Kimstadt as being "dark" in colour is inconsistent with its being the same prauw as the prauw which was lost, as that was painted green, more especially as it is believed that the shade of green used by the natives is usually a light colour.

As Frieser was a dealer in goods of the character of those found, the mere fact that the goods bore his marks would not in itself prove that the goods belonged to him since he would sell goods with his mark on them, and they would pass from purchaser to purchaser so marked. No effort, moreover, seems to have been made to ascertain from either Palmer or Rimstadt, how Boeroe Dome, the most conspicuous landmark on the island, bore from the *Costa Rica Packet* when the prauw was found. Yet such an inquiry would have been of great value in ascertaining the distance from land of the abandoned prauw, and the part of the Island of Boeroe off which the prauw was found, and, having regard to the direction of the prevailing currents and the impossibility of a prauw drifting to the westward from Kajeli Bay against the known currents in determining whether or not the prauw found was the one said to have been lost in Kajeli Bay. There are also many other obvious inquiries which might have been made of the two witnesses (Palmer and Rimstadt) with a view to clearing up the two points, whether the prauw found could have been Frieser's lost prauw, and whether it was found on the high seas or within 3 miles of the coast. But it is confidently submitted that upon the whole of the evidence cited above, there was no reasonable ground whatever before the authorities who granted the warrant for coming to the conclusion that Carpenter had been guilty of any offence whatever within the territorial waters of the Netherland Indies, and that the authorities in acting upon the information which was before them, acted negligently and without any reasonable cause or foundation for taking action. The unreasonableness of the action taken by the authorities is materially enhanced by the following considerations. The warrant was not granted until the 26th January, 1891; the whole complaint was stale, and related to property of but trivial value; the person charged was a foreigner then out of the jurisdiction, and the action taken would in any case occasion inconvenience and probably injury of a serious nature to the person charged.

It is submitted, for the reason stated in the British Memorandum and in this Memorandum, that if the above contention that there was not before the authorities of the Netherland Indies evidence sufficient to make out such a case of reasonable suspicion as could be treated as a sufficient cause for the arrest of Captain Carpenter is well founded, then the British Government is entitled to claim compensation for Captain Carpenter. Whether or not, according to Netherland law, there is remedy against the authorities by a person arrested as Captain Carpenter was is, it is submitted, irrelevant. The statement of the Netherland Government that there is no such remedy only proves the necessity of the intervention of the British Government and the international obligation on

the part of the Netherland Government to repair the wrong which was actually done. Judicial acts may be municipally right, as being in accordance with municipal law, and yet may effect an international wrong and inflict a serious injustice, and the Government whose subject is the victim of such an injustice has a clear right to hold the country whose authorities have done the wrong accountable therefor.

Some suggestion has been made in the Counter-Case that the *Costa Rica Packet* was, when the abandoned prauw was found, in the neighbourhood of Kajeli Bay; but the description given by Palmer of the position of the *Costa Rica Packet* and the description given by Rimstadt prove that the vessel could not have been within 3 miles of the coast near Kajeli Bay. The evidence of the last witness has been submitted to the Hydrographer of the English Admiralty, and he has stated officially, that, in his opinion, according to Rimstadt's description, the *Costa Rica Packet* could not have been within 3 miles of the coast, opposite or near Kajeli Bay. It is, on the whole, confidently submitted that the contrary is in fact established for the following (amongst other) reasons: In the first place, the Netherland Government made the admission, as mentioned in the British Memorandum, to the effect that the abandoned prauw was more than 3 miles from the shore; in the second place, the *Costa Rica Packet* on the morning of the 24th January, 1888, was ascertained by Captain Carpenter by cross-bearings and by being marked upon the chart; in the third place, the evidence of Galligher, Howard, and Lopes contained in section 5, Part I, of the Annexes to the Counter-Case, and the Decree of the Court at Macassar actually adjudging that the prauw was not within 3 miles of the coast (which indicates that they believed the evidence of Galligher, Howard, and Lopes, and of Carpenter himself) which proves the fact; and, in the fourth place, the same fact is proved by the entry in the ship's log as to the position of the vessel at 6 P.M. on the evening of the 24th day of January, 1888. All these facts clearly prove, it is submitted, that the *Costa Rica Packet* was not, when the abandoned prauw was alongside her, within 3 miles of the Netherland Indies coast and was in fact upon the high seas, and, under these circumstances, it is not proposed to discuss some of the ingenious speculations which have been made on behalf of the Netherland Government with a view to showing that the *Costa Rica Packet* was at the above time elsewhere than upon the high seas. Conscious of its really having been established by the facts with practical certainty that the prauw was found more than 3 miles from the coast of any Netherland Indian possession, the Counter-Case has endeavoured to set up (but faintly it is true) the theory that the territorial waters of

the Netherland Indies extended beyond 3 miles, and this theory is based upon alleged admissions by most eminent authors on the subject and upon the well-known proposition of Bynkershoek. The eminent authors are not cited, and so far from there being any real authority for the position that the territorial waters of any country extend beyond 3 miles from the coast, it is submitted that authority and the common practice of all nations is all the other way. For example, the Award of the Court of Arbitration made upon the late arbitration between England and the United States, in regard to the Behring Sea, clearly establishes that the generally accepted limit for territorial waters is the ordinary 3-mile limit. Sir Robert Phillimore, in his "Treatise on International Law" (vol. i, section 198), says with respect to that portion of the sea which washes the coast of an independent State, that various claims have been made and various opinions pronounced at different epochs of history as to the extent to which territorial property and jurisdiction may be extended. "But the rule of law may be now considered as fairly established—namely, that this absolute property and jurisdiction does not extend unless by the specific provisions of a Treaty or an unquestionable usage beyond a marine league (being 3 miles) or the distance of a cannon-shot from the shore at low-tide." And he says, further, that this, the marine league, is the limit fixed to absolute property and jurisdiction. Hall, in his "Treatise on International Law," edition of 1895 (Part 2, Chapter 2), states that generally the limit of the territorial waters of any country is fixed at a marine league from the shore, and farther: "In any case the custom of regarding a line 3 miles from land as defining the boundary of marginal territorial waters is so far fixed that a State must be supposed to accept it in the absence of express notice that a larger extent is claimed." And it is respectfully submitted that the views of all writers of authority on international law concur in the view that the marine league of 3 miles is the limit from the shore beyond which the territorial waters of a State do not extend.

Indeed, in the celebrated case of the *Franconia*, which is reported in the English Law Reports 2, Exchequer Division, page 68, under the name of "*Regina v. Keyn*," no doubt whatever was entertained on this point by any of the eminent Judges who delivered judgment in that case. Differing, as they did, on so many other points, they all unhesitatingly agreed in the opinion that if the *Franconia* had been more than 3 miles from land at the time of the collision no English Court would have been competent, according to international law, to exercise criminal jurisdiction over the German captain whose negligence caused the collision.

It is no doubt true that a foreigner going of his own free will to

the territory of a State of which he is not a subject must be held bound by—and to have, by implication, consented to be bound by—the laws of that State in regard to all acts done by him within the limits of that State, and under the protection of its laws. But it is submitted there is no authority for the position, and it is an unreasonable position that a foreigner going to a State of which he is not a subject can be held to have either agreed to be bound, or be otherwise bound, by the laws of such State in regard to acts which have been done by him beyond the limits of such State, and within his own State, and under the protection of the laws of his own State. The contention that such could be the case is too clearly erroneous to need refutation. The same doctrine applies to acts done by him upon the high seas, and upon or from a ship of his own nationality, or its boats. Therefore, any act done by Captain Carpenter upon the *Costa Rica Packet*, an English ship upon the high seas, could clearly not have been made the subject of action based upon the municipal law of the Netherland Indies. That would be so even if Captain Carpenter had gone to reside in the Netherland Indies. How much more so is it the case when, as here, the act was done upon a British ship upon the high seas, and when the judicial proceedings were taken and the warrant of arrest was issued at a time when Captain Carpenter was neither, in fact, within Netherland territory, nor in any way subject to the Netherland municipal law. The warrant was, in fact, executed upon the occasion of Captain Carpenter's entering with his vessel a Netherland port for a temporary and a legitimate purpose. This presence in a Netherland port—which was made the excuse for the execution of the warrant thus issued in respect of an alleged offence, over which the Netherland Courts had no jurisdiction—cannot justify the arrest of Captain Carpenter and carrying him a prisoner to Macassar, and trying him there under a code of laws which was, in the actual facts of the case, wholly inapplicable. This act thus, in fact, without any legal justification, and for the purposes of this case it may be assumed done in error, whether induced by honest mistake or carelessness—there need be no question whatever of an intentional insult to Great Britain—is a wrong to Great Britain, because one of her subjects was the subject of this treatment, and is also a wrong to Great Britain in that jurisdiction was asserted over acts which were solely to be judged of by the law of England; in fact, it was in usurpation of British jurisdiction, and it was a wrong also to her subjects, who suffered the consequences of this wrongful act. That being so, these wrongs gave rise to a right on the part of Great Britain to demand from the Government of the Netherlands suitable reparation, that is to say, compensation to her subjects for the wrongs thus inflicted. This position, it is submitted,

is justified by the authorities cited in the British Memorandum. Nothing that has been urged in the Counter-Case has disturbed this position, and it is again submitted that it is in accordance with the dignity of the Government of Her Majesty the Queen of the Netherlands, and the sentiments which animate that Government—as well as with the principles of international law—to make reasonable compensation to the sufferers. It remains to notice some minor matters which have been relied upon in the Counter-Case.

With respect to the case of Higginson, referred to in the Counter-Case, it is perfectly true that the British Government did originally make a claim upon the Peruvian Government in respect of the imprisonment of Higginson. But it transpired that Santana, the person alleged to have been shot, had induced the Peruvian authorities to take the steps they did by means of false statements, he having sworn that Higginson had intentionally shot him, that the act was quite recent, and had occurred in Peruvian waters. He also produced medical evidence in support of his statements which satisfied the Peruvian authorities. As soon as the truth was discovered Higginson was released. Under these circumstances, Her Majesty's Government, having regard to all the circumstances of the case, did not think fit to press the claim upon the Peruvian Government. In doing so, they did not act upon any opinion of M. Pradier-Fodéré, but upon the advice given to them by their own legal advisers, that, in the circumstances, the British Government could properly refrain from pressing the claim.

With respect to the opinion of the Law Officers referred to in the despatch of the 22nd May, 1894, set out on page 1 of the Annexes, it is to be regretted that, according to the practice of the public Departments in England, the cases submitted to the Law Officers, and their opinions thereon, cannot be produced for the information of the Arbitrator. But it is obvious that those gentlemen could only form their opinion upon the materials submitted to them (and, amongst others, the before-mentioned Report of the Procureur-Général). Upon these materials they arrived at conclusions in part favourable and in part unfavourable to the Government of the Netherlands. Their views must, as already stated, necessarily have been expressed upon such materials as they then had before them, and only upon such questions as were submitted to them for the purpose of being answered. The Law Officers were not called upon to express, nor did they express, any opinion as to the contention made in the British Memorandum that the alleged offence with which Captain Carpenter was charged took place on the high seas, and was, therefore, one over which the Netherland Courts were, according to international law, incompetent to exercise criminal jurisdiction. They did not have the advantages

which the Arbitrator will have of having the arguments and allegations on both sides and the whole facts before him.

It is, however, to be noted that the Netherland Government, while consenting to their views so far as they were favourable to the contentions of the Netherland Government, reject their views so far as they were unfavourable. The Arbitrator will have the advantage, which was not possessed by the English Law Officers, of having the arguments and allegations on both sides and all the facts placed before them, and the English Government submit the whole controversy to the impartial judgment of the Arbitrator. It is obvious from the despatch that the Law Officers did not (as they, in fact, did not) give any advice with reference to that part of the contentions now advanced, which is based upon the fact that the act in question took place upon the high seas, out of the jurisdiction of Netherland municipal law, and the judicial proceedings were taken, and the warrant of arrest was issued, at a time when Captain Carpenter was not within Netherland territory.

With respect to the arguments in the Counter-Case, founded upon the right to search neutral vessels, it is submitted that the illustration is altogether irrelevant to any of the matters in issue in this case. It is unnecessary to argue at any length before so eminent a jurist as the Arbitrator that the right of visitation and search of neutral vessels at sea is admitted only because it is a belligerent right, essential to the exercise of the right of capturing enemy's property, contraband of war, and vessels committing a breach of blockade. On this point it will be amply sufficient to cite the following authority:—

(Wheaton's "Elements of International Law." Third English edition, 1889, page 685.)

"The right of visitation and search of neutral vessels at sea is a belligerent right, essential to the exercise of the right of capturing enemy's property, contraband of war, and vessels committing a breach of blockade. Even if the right of capturing enemy's property be ever so strictly limited, and the rule of *free ships, free goods*, be adopted, the right of visitation and search is essential, in order to determine whether the ships themselves are neutral, and documented as such according to the law of nations and Treaties, for, as Bynkershoek observes—

"'It is lawful to detain a neutral vessel, in order to ascertain, not by the flag merely, which may be fraudulently assumed, but by the documents themselves on board, whether she is really neutral.'

"Indeed, it seems that the practice of maritime captures could not exist without it. Accordingly, the text writers generally concur in recognizing the existence of this right.

"The international law on this subject is ably summed up by Sir W. Scott in the case of the *Maria*, where the exercise of the right was attempted to be resisted by the interposition of a convoy of Swedish ships of war. In delivering the judgment of the High Court of Admiralty in that memorable case, this learned civilian lays down the three following principles of law:—

"That the right of visiting and searching merchant-ships on the high seas, whatever be the ships, the cargoes, the destinations, is an incontestable right of the lawfully commissioned cruisers of a belligerent nation:—

"I say, be the ship, the cargoes, and the destinations what they may, because, till they are visited and searched, it does not appear what the ships or the destination are, and it is for the purpose of ascertaining these points that the necessity of this right of visitation and search exists. This right is so clear in principle that no man can deny it who admits the right of maritime capture, because if you are not at liberty to ascertain by sufficient inquiry whether there is property that can legally be captured, it is impossible to capture.'"

* * * *

The suggestion that the decision of Lord Stowell in the case of the *Aquila*, cited in the British Memorandum, was in any way governed by the fact that the vessel was at one time suspected of being a hostile vessel is unfounded, as appears from the judgment itself, and it is the fact that Lord Stowell's opinion there set forth is equally applicable whatever was the nationality of the vessel, and whether friendly, neutral, or hostile, and it is only necessary to consider the reasons given by Lord Stowell in order to ascertain that this is so. Again, it is evident that in the Counter-Case the effect of Lord Stowell's judgment, cited in the British Memorandum, has not been correctly appreciated. Until the owner of the derelict appears, and makes and establishes the claim, the derelict is acquired beneficially for the Sovereign; it is only when the owner appears, and has established his right in due course of law, or by admission of the Sovereign, that, according to English law and practice, at least, and it is believed also according to the general maritime law acknowledged by all civilized nations, the Sovereign ceases to be interested; until that moment he is, *primâ facie*, and until his right is displaced, alone interested. Consequently, when Captain Carpenter took possession of the salvage from the derelict prauw, he in law did so on behalf of his Sovereign, and his Sovereign was alone interested until either the right of the real owner was admitted, or until that real owner established his right in due course of law. The Queen of Great Britain and Ireland could not, being an independent Sovereign, be made, without her consent, a party litigant before a foreign Tribunal, and any question arising

between her and any claimant to such derelict could therefore alone be decided (except by her consent) in due course according to English law and by an English Tribunal. It is impossible for the British Government to admit that there was any obligation on the part of Captain Carpenter to have surrendered any of the salvage which he found on the prauw and took from her to any Tribunal of the Netherland Indies merely because he casually entered a port of the Netherland Indies for a different purpose. The Netherland municipal law had nothing to do with the matter; the act must be judged of according to British law, and, consequently, there was no occasion for surrendering the salvage to be dealt with according to the municipal law of the Netherlands. It is, perhaps, possible, that in practice, and in the ordinary course of human affairs, masters of English vessels coming across salvage may for their convenience surrender such salvage, either to the owners or to some foreign Tribunal, taking the risk of so doing; but the point here is that Captain Carpenter was under no obligation whatever to surrender the salvage to the Netherland Indies municipal authorities.

With respect to the contention that the derelict prauw was to be treated as though she were a vessel manned and controlled, and in other respects, in the proper sense of the term, a ship having a national character for the purposes of international law, it is to be observed that the Counter-Case, while promising to make it clear that such is the case, nowhere adduces any arguments or authority for the position so advanced. It is submitted upon the reason of the thing, and according to the ordinary understanding of mankind, that a derelict, a prauw circumstanced as the derelict found by Captain Carpenter was, is in no sense a vessel having a national character of such a nature as to make the law prevalent upon her dependent on national character. It is submitted, indeed, that a vessel so circumstanced has no national character within any rule of international law, or for any purpose of international or municipal law.

It seems immaterial whether or not the prauw lost in Kajeli Bay was carrying the Netherland flag when she broke from her moorings. But on this point it is confidently submitted that no credence can be placed on the evidence of the witnesses, Pietersz Aboe Bezoegi, Moeid Bezoegi, and Abdullah Bezoegi, who were called as late as June 1895 to prove this fact; for they gave their evidence previously in the year 1890, and then never suggested that the prauw was carrying any flag. Moreover, it is clear the prauw found by Captain Carpenter had no flag.

The principle of the continuity of the offence of theft according to English law which is referred to in the Counter-Case does not appear to the British Government to have any place in this case, and certainly not in the connection in which it is quoted, and has no

application to the case of an offence originally committed out of the United Kingdom, or to an offence originally and in its inception innocent. It is difficult in any case to see what the Netherlands municipal law could have to do with the principle of English law assumed to be referred to.

In the Schedule are set forth the facts of the case of a British ship, *May Reed*, from which it will be seen that the master and two of the crew were proceeded against in Hayti, in accordance with the law of that State, for the offence of smuggling. The British Government claimed from the Government of Hayti compensation for the owners of the vessel, the master, and the two members of the crew. The claim was admitted by the Government of Hayti, and compensation was paid by that Government to the British Government.

It will not have escaped the observation of the Arbitrator that lately, in connection with the death of Mr. Stokes in the territory of the Congo Free State while at the head of a caravan he had led into that country, the German Government claimed from the Congo State compensation for the loss which the men forming part of Stokes' caravan suffered by being illegally deprived of their leader, and that the Government of the Congo Free State admitted the claim, and made to the German Government a payment of 100,000 fr. by way of compensation for the above loss. The circumstances of Captain Carpenter's arrest are not such as to be exactly analogous to the death of Mr. Stokes. But the loss suffered by the members of the caravan is analogous to the loss suffered by the owners and crew of the *Costa Rica Packet* by reason of Captain Carpenter's arrest, and the case affords, it is submitted, a precedent for the claim made by the British Government that the owners and crew should receive suitable compensation from the Netherland Government.

It is not deemed to be necessary to deal at length in this Memorandum with the contentions in the Counter-Case upon the evidence set forth in the Annexes. A comparison between the contentions of fact in the Counter-Case and the evidence upon which they are professedly founded is invited, and it is suggested respectfully, but confidently, that the evidence does not warrant those contentions so far as they are opposed to the statements of fact put forward on behalf of the British Government. Attention is called to the apparent fact that the statements in the Annexes are largely those of natives and persons not Europeans. The statements are mainly those of officials whose acts are called in question. Frequently the other statements have been procured by these officials.

Attention is also directed to the fact that attempts have been made, unsuccessfully, to impeach the character of Captain Carpenter, and have resulted in the report

idle gossip, in no wise throwing any doubt upon that gentleman's uprightness and integrity, as established by the British Memorandum and Appendices. It is also necessary to remark that it is difficult to understand the invitation of the Netherland Government to the Arbitrator to eliminate the evidence of Carpenter, Galligher, Howard, and Lopes on the suggested ground that they are interested in the claim for compensation—a ground which is remarkable, having regard to the nature of the evidence in the Annexes to the Counter-Case and to the circumstances under which, and the period when, the evidence of the above four individuals set out in the Annexes was taken. The interest which these individuals had in the subject-matter of their evidence, so far as the interest in fact existed and was operative, and so far as it is legitimately to be taken into account, may be considered in weighing their evidence, but only to the extent to which such consideration is fair and reasonable. It certainly forms no ground for rejecting the evidence.

By the Treaty of the 20th July, 1895, the Arbitrator has power to invite the assistance of commercial experts upon the question of damages, and on behalf of the British Government there is, and will be, every readiness to afford to the Arbitrator such assistance, should he think fit to call for it.

On behalf of the British Government, the Arbitrator is invited to consider the evidence scheduled to this Memorandum, together with the evidence previously submitted by the parties. It is, moreover, submitted that the claim for compensation, has been established by the British Memoranda and the evidence adduced in support thereof.

SCHEDULE.

1. *Declaration of Charles Bernard.*

New South Wales, to wit :

I, CHARLES BERNARD, presently of Sydney, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows :—

1. That having read on page 87 of the correspondence relating to the *Costa Rica Packet* case, published by order of the Legislative Council of New South Wales, a declaration made by one F. H. van Aagten, acting gaoler at Macassar, and knowing that its contents are inaccurate and misleading, I feel it my duty to state as follows :

2. I have resided in Macassar for the last eight years.

3. The prison in which Mr. J. B. Carpenter was confined is situated next to the European graveyard, and is a large one-floored block of buildings built in form of a square, surrounded by high walls. Mr. Carpenter was imprisoned in a cell on the right hand side when entering the place within a second iron fence, where the native convicts were confined, and, according to the inscription over the door of his cell, it was also used for condemned Europeans.

4. I also saw another occupant of the same cell, a coloured man, apparently on the sick list.

5. The prison is notoriously unhealthy, which is only to be expected in a place where several hundred native convicts are confined, and where no proper sanitary arrangements are provided. The floors are on a level with the ground outside, and paved with ordinary red tiles. Being exposed to the north-west monsoon, when continual rains prevail, the whole place is constantly very damp.

6. Captain Carpenter, when I saw him for the first time on his arrival in Macassar, appeared to be in good health, but on his release, when he came to stay with me, he was a changed man as regards health and strength, the change for the worse being due to his confinement.

7. That the prison is unsuited for Europeans is shown by the Dutch authorities now taking steps to provide better accommodation for them by erecting a new building. In proof of my statement as to the unsanitary condition of the prison, Mr. Abbema, a Dutch planter, who was confined in the prison pending his trial, had to be liberated on a medical certificate, and after his conviction a special house away from the prison was hired by the Government, and used for his detention.

8. The question of the unhealthy condition of the prison has frequently been brought up in the local press, and berri-berri, a disease commonly attributed to bad sanitary condition, is very prevalent.

9. It frequently happens that prisoners sentenced for short terms are discharged suffering from this complaint, which causes a heavy percentage of mortality amongst its victims.

10. With reference to the last paragraph of Mr. van Aagten's declaration that Captain Carpenter was asked by Mr. Verwey, the President of the Court of Justice, if he had any complaint to make, and that he answered "No," I personally know Mr. Verwey did not speak English, nor does Captain Carpenter speak Dutch. Some few weeks subsequent to the date of the Report of the Select Committee of the Legislative Council I was examined by Mr. Winckel, the Officer of Justice at Macassar, in reference to the matters concerning Captain Carpenter's detention.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the fifth and sixth years of the reign of His late Majesty King William IV, intituled "An Act to repeal an Act of the present Session of Parliament intituled 'An Act for the more effectual abolition of oaths and affirmations taken and made in various Departments of the State, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths.'"

And also under, and by virtue of, the provisions of an Act of the Governor and Legislative Council of New South Wales, made and passed in the ninth year of the reign of Her present Majesty, intituled "An Act for the more effectual abolition of oaths and affirmations taken and made in various Departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits."

CHARLES BERNARD.

Declared before me, at Sydney aforesaid, the 7th day of February, in the year of our Lord 1896.

JAMES W. JOHNSON, *Notary Public, Sydney.*

2. Declaration of William Inglis.

I, WILLIAM INGLIS, of 18, Billiter Street, in the city of London, Marine Superintendent, do solemnly and sincerely declare as follows:—

1. I have had a large experience as a ship's captain, and between the years 1864 and 1879 I was captain of a China clipper trading between London and China, and during those years I repeatedly sailed through the Straits of Manipa, and also to the westward of the Island of Boeroe in my passages from London to China and back.

2. I am now ship's husband to the Hudson's Bay Company, on whose behalf I have the management of a whaling-ship which operates in Hudson's Bay. I am also Surveyor to the North China Insurance Company and the Yang-tze Insurance Company, both of London.

3. I have made myself familiar with the main facts and features of the *Costa Rica Packet* case, and I have read a translation of the evidence of Alexandre Hector and Pieter Houthof, appearing on pages 50 to 53 of the Annexes to the Counter-Case of the Government of Her Majesty the Queen of the Netherlands, and I have also read a translation of the evidence of Uge Uges Johann Vinzent Crans and Pieter Engelkes (Annexes, pages 137 to 140), and with reference to such evidence I say as follows:

If I, as captain of a British ship, fell in with a prauw of about a ton burden, abandoned and waterlogged and without flag, in the open sea, I should take possession of her and her contents, if I considered them worth taking. What I should do with them or in connection with the finding would depend entirely upon their value. If the cargo consisted of a small quantity of consumable stores, as in the case of that found by the *Costa Rica Packet*, I should appropriate it, and, if I thought proper, use it on board my ship. As a captain, I should claim a discretion as to whether the finding was of sufficient importance to make it necessary for me to notify it to any one. Obviously there are many cases where articles of small value are picked up at sea which captains never (and, as I think, justifiably) report. I consider that Captain Carpenter, in the case in question, acted quite justifiably, and I should have acted in the same manner myself. With regard to the sale of the goods by him, the price and the condition of the goods show that they were of little value, and I consider it an intolerable proceeding that such an action should be treated as a criminal offence. I recognize no duty, as captain of a ship sailing under the British flag, to make any such report to the native authorities in a foreign port, and I should only make it to a British Consul or official in a port where the British Government had a Representative, and not at all where there was no such Representative.

4. I have examined the log-book of the *Costa Rica Packet*, and I find that it bears every appearance of being regularly kept, and the entire entry of the 24th January, 1888, which appears in its proper place, is as follows:

		"Tuesday, 24th January, 1888.
Courses.	Winds.	"Light winds attended with rains the first
W.S.W.	E.	part; at 7 A.M. saw abandoned prauw, sent a
W. by S.		boat off; they towed her alongside; found
		10 cases of gin, 3 cases of brandy, 1 tin of
		kerosene oil; took it out, let go the prauw all
		set. Boeroe Island bore S. dist. 25 miles at
		6 P.M. Pumps carefully attended to. At noon
		Manuel Penna, boat-steerer, took a knife to cut
		Walter Bristow, seaman."

It is the duty of the first mate to keep the log-book, and the captain is not responsible for it. The entries in the said log-book of the *Costa Rica Packet* generally appear to me to be as complete as I should expect to find them in the log-book of a whaling-ship. Trading vessels making definite voyages from port to port, which carry cargo in which other people are interested, and having officers who would probably be better educated than those of a whaler usually are, might be more fully kept; but I consider the entries in the log-book of the *Costa Rica Packet* under the peculiar circumstances quite sufficient. The ship's inward report ("lettre de hèlement") is, in my opinion, quite sufficiently filled up, and I should not consider the finding of such a prauw and contents "a remarkable circumstance," or a matter requiring to be disclosed to the authorities of a foreign port even if I recognized the duty of disclosing it to such authorities.

5. From my knowledge of whaling I say that the success of a whaling expedition depends mainly upon the captain, and the special knowledge which he may have of the habits and haunts of whales. This knowledge is only acquired as the result of careful observation and long experience, and I should consider a whaler of the tonnage and equipment of the *Costa Rica Packet* incapacitated from further pursuing her voyage if the captain were not available, still more so if, in addition, three other officers were taken from her. As an instance of the value of the special knowledge which some whaling captains have, I may mention the late Captain Gray, of Peterhead, who was one of the best known and most successful whalers in the Arctic Seas hailing from Great Britain, and was possessed of a particular knowledge of his calling which almost amounted to an instinct. He has told me that in his whaling expeditions he was frequently troubled by being followed by a fleet of whalers, who preferred to rely on his experience and knowledge of his calling rather than that of their own captains. The said Captain Gray, with whom I have myself been associated in whaling ventures, amassed a very considerable fortune, derived from the profits of whaling. In my opinion, Captain Carpenter acted quite rightly in his duty to the owners of the *Costa Rica Packet* in not sending the ship on her cruise under the command of Mr. Young, the chief officer, if, as I am informed, he did not then hold a foreign-going certificate of competency, and I consider it very doubtful if, had he done so, the owners would have been entitled to claim upon the insurers in case of loss to the ship and cargo, even if he had been satisfied that the said Young was properly qualified in regard to his special knowledge and experience of whaling. I am convinced that no one who had not had some considerable experience of whales would be likely to tell the difference between a sperm whale and other varieties, such as grampuses, blackfish, and others. On ordinary vessels everything that spouts is called a whale, and it is very difficult to distinguish a sperm whale. I consider it

probable that the evidence of whales being seen in the latitudes in question at all seasons of the year is based upon a mistake on the part of the witnesses; at all events, I should rather rely upon the evidence of a skilled whaler on such a point.

6. I have examined the estimate of profits which Captain Carpenter has put forward as the anticipated result of the voyage interrupted by his arrest in 1891, and, judging by an extensive practical knowledge of the subject, I see no reason why a vessel of the tonnage and equipment of the *Costa Rica Packet* should not realize such anticipations. The profits of whaling, although uncertain, are, if attended with good fortune and adequately prosecuted, often exceedingly large, and are only to be measured by the capacity of the ship, and, in my opinion, the capacity of the *Costa Rica Packet* was amply sufficient, with good fortune, to realize even larger profits than those estimated.

7. I am familiar with the prevailing currents in the neighbourhood of the Island of Boeroe during the north-west monsoon, and it appears to me highly improbable—I should say impossible—that a prauw that had broken loose in Kajeli Bay on the 17th January should have drifted by the 24th January to the position indicated by the cross bearings taken by Captain Carpenter, or to any position to the north-west of the Island of Boeroe. I am confident that from no position in the neighbourhood of Kajeli or Kajeli Bay, or within 3 miles or anything approaching that distance from the land in that neighbourhood, could Boeroe Dome be seen, either with or without the hills in the foreground. To the best of my belief there is no place to the north of the Island of Boeroe where a person on board ship could properly speak of being able to see Boeroe Dome with the tops of the hills in the foreground, except a position on the north, north-west, or west of the island, i.e., in the neighbourhood of the place where the *Costa Rica Packet* appears, from the entry in the log-book, and Captain Carpenter's statements, to have been on the 24th January.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of "The Statutory Declarations Act, 1835."

WM. INGLIS.

Declared at 51 and 52, Fenchurch Street, in the city of London, this 26th day of June, 1896.

Before me:

ALFRED F. CHURCH, *A Commissioner for Oaths.*

3. Declaration of Isaac Paddle.

I, ISAAC PADDE, of the Shipping Exchange, 20, Billiter Street, in the city of London, Surveyor of Shipping and Cargoes, do solemnly and sincerely declare as follows:—

1. I have been forty years at sea, twenty-eight years of which I have been captain of vessels cruising in all parts of the world. I have read the declaration of William Inglis, made on the 26th day of June, 1896, in the matter of the *Costa Rica Packet*, and I have made myself familiar with the main facts and features of the case. I fully agree with Captain Inglis in the view which he takes of the rights and duties of the captain of a ship sailing under a British flag, as expressed in paragraph 3 of the said declaration, in regard to the subject-matter therein referred to. In the case in question, in the *Costa Rica*

Packet case, I should have acted precisely in the same manner as Captain Carpenter did with regard to the prauw and its contents. I consider that he was justified, under the circumstances, in appropriating such contents and disposing of them in any way whatever. Consequently, if there had been any drunkenness among the crew, he would, in my opinion, be fully justified in having the spirits thrown overboard.

2. I consider that Captain Carpenter acted perfectly right in his duty to the owners, especially having regard to the bearing of the question of insurance upon the matter in not sending his vessel to sea in charge of Young, if I am correctly informed that Young had no foreign-going certificate of competency such as is required by English law to be held by the person who, for the time being, has charge of such a vessel as master.

3. It is the duty of the first mate to keep the log-book, and the captain is not responsible for it. The log-book I refer to is, of course, the ship's log, an entirely different book or document from the official log. The ship's log is only kept by reason of the usage to keep one prevailing in the English Mercantile Marine, and is not required to be kept by any law prescribing that it should be kept, and the custom is that the first mate keeps it and is responsible for it. The official log, on the other hand, is to be kept in accordance with the law by the master. The entries to be made therein are prescribed by law, and are not of the same nature as those made in the ship's log.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of "The Statutory Declarations Act, 1835."

ISAAC PADDLE

Declared at 51 and 52, Fenchurch Street, in the city of London, this 30th day of June, 1896,

Before me :

ALFRED F. CHURCH, *A Commissioner for Oaths.*

4. Declaration of John Bolton Carpenter.

I, JOHN BOLTON CARPENTER, of Sydney, in the Colony of New South Wales, at present temporarily residing in London, master mariner, do solemnly and sincerely declare as follows :—

1. I have carefully read translations of the documents comprising the Annexes to the Counter-Memorandum presented on behalf of the Government of Her Majesty the Queen of the Netherlands in the matter of the *Costa Rica Packet*, and in reference to the matters therein contained while adhering to the evidence already given by me, and contained in the Appendices to the British Memorandum, I further declare as follows :

2. As the result of my knowledge of the locality in question, I say that it is not possible to see Kajeli from the sea without going inside the Bay of Kajeli, because the village lies behind a point which interrupts the view ; nor is it possible from any position at sea in the neighbourhood of Kajeli, within 3 miles of the coast of Boeroe, to see Boeroe Dome or Tomahoe (which is not the same mountain as Kako Siël, but lies from 15 to 20 miles to the west of the latter mountain). The distance from Boeroe Dome, which is situate at the extreme north-west of the island to Kajeli in the extreme north-east, is about

75 miles, and as the ground between the two places is mountainous, it is impossible to see Boeroe Dome from any position at sea in the neighbourhood of the village of Kajeli. The only position from which Boeroe Dome could be seen with the hills in front of it is at some considerable distance from land on the north, north-west, or west of the island. The shortest distance between the Islands of Boeroe and Manipa is 15 miles. In the Counter-Memorandum it is stated as not exceeding 6 miles; in Horsburgh's "Indian Directory" it is stated as $5\frac{1}{2}$ leagues— $16\frac{1}{2}$ miles.

3. The declarations of Downs, Hall, and Montieth were obtained in Queensland by Messrs. Burns, Philp, and Co., of Sydney (the owners of the *Costa Rica Packet*), in December 1891, with a view to their being used in my defence in the proceedings against me at Macassar, and without any communication with me except that I cabled them through Mr. Bernard to procure evidence from Downs, who I knew kept a diary of the voyage, and published it in the "Townsville Herald" (a newspaper published in Queensland). They all speak of the prauw being picked up off the north-west coast of Boeroe on the 24th January.

4. The prauw that we picked up had no outriggers, and was not painted. The bottom part was dug out of the trunk of a tree, and the sides were built up with planks. But the prauw and boxes were covered with slime and barnacles, showing that she had been immersed in the water a long time. There was no mast at the stern and no flag on her, and it is not customary in my experience for such a prauw to carry a mast at the stern or the Netherland flag. The fruit which Downs represented was found on the prauw was not mango, but dried betel nut. The rigging, as is usual in those parts, consisted of three bamboos in the form of a tripod at the bows of the boat to act as a mast. There was no chest on board and no "port clearance" papers or clothes, as stated in the evidence of Aboe Bezoegi, and no rice or sugar, as stated by some of the other witnesses. Considering the position in which the prauw was undoubtedly found, as proved by the evidence of the log-book, and of Downs, Hall, and Montieth, and others, and the prevailing currents, I still consider it impossible that a prauw breaking adrift at Kajeli on the 17th January could have got to that position on the 24th January.

5. The cases forming the cargo of the prauw were taken out by the sailors—I was not looking on all the time—and put on the forward end of the poop, and after they had been taken out the rope by which the prauw was held was let go. The prauw was not broken up, and being a wooden prauw she could not have foundered more effectually than she had already done if she had been broken up. The cases were then opened and the contents put along the deck to dry. One of the bottles, a square one, had a yellow label with an elephant, which had been my own mark when I was trading in this locality. I looked carefully through the bottles and contents of the cases to see if there were any similar labels, but did not find any. In the course of my examination at Macassar, two cases were produced and were opened in my presence for the purpose of proving that Frieser's marks were on the cases or the bottles. The cases were ordinary red gin cases, but neither cases nor bottles had any marks upon them in any way connecting them with Frieser. The Rechter Commissaris and the interpreter tasted the contents of one of the bottles and pronounced them to be sea-water, whereupon I was informed by the former that whether I had done wrong or not in picking up the prauw, I had committed an offence in selling sea-water, representing it to be gin.

6. It is evident that both Palmer and Rimstadt bore ill-feeling towards me,

but I deny that I treated either of them harshly, or that there was any reason for such ill-feeling. Palmer was an American, and I treated him, if anything, better than the others. Rimstadt was shipped as a green hand, and his work was to pull in the boat. He was lazy, quarrelsome, and unpopular with the crew and officers. I, on several occasions, protected him from the violence of other members of the crew with whom he quarrelled. I always kept strict discipline on my ship, and a captain who does that is never popular with his officers or crew. Rimstadt never went to the mast-head, as stated in the evidence of Stormer, and never even went in the boat after whales.

7. On arriving at Batjan in the ordinary way it would have been my duty to go ashore and enter the ship, but before I could do so some natives came off and told me the Controleur was not there, and they brought the Inward Shipping Report to be filled up. As I understand it, the regulations with regard to these reports require them to be delivered in the language of the country to which the ship belongs, but in this case the report was in Dutch, and written on a piece of paper, not even printed. Neither I nor my officers knew Dutch, and the report was filled up as nearly as it could be from our knowledge of these documents. I did not understand the meaning of the words translated "remarkable circumstances," and had I have done so I should not have thought it necessary to disclose the finding of the prauw and its contents. A few days after we had come in the Controleur Stormer, having returned from Ternate, came off to my ship. I had known him for eight years, and whilst on board I told him all about the prauw, and showed him the log-book. I refer to the evidence of Westcott and Hammond.

8. On the occasion when I was at Ternate, and was arrested, I had another derelict prauw on board, that I had picked up about 100 miles from Ternate, and although I reported that at Ternate to the authorities, they would have nothing to do with it, and the only way I could get rid of it was by pitching it overboard in the harbour.

9. On my removal from Ternate to Macassar, the Resident stated he could only send me (being a prisoner) by fourth class, and to this I objected, and stated I was prepared to pay any difference if I could go in a better class. I told him they had degraded me enough by imprisoning me, without sending me to Macassar in company with natives. He also said my witnesses must go in the same manner. I asked the Resident not to say anything to them as to how they were to go, in case they should refuse, but on getting on the ship I found they had taken possession of second-class cabins. The next morning Galligher came to me and said they had been removed from the second-class berths and put upon the upper deck with the coolies, and I thereupon arranged for their travelling by second class, and paid nearly 300 florins, which, so far as I knew, included the excess payable in respect of both my own and their passages. I also paid another passage to Batavia for Pearson, an assayer, who went with me. I had shipped him as one of the crew, but mainly with a view to prospecting for gold, and, seeing that my voyage was ended, I paid his passage and gave him some money to get home. I also wanted him to see the British Consul at Batavia, and inform him of my arrest. It is quite untrue that I landed at Ternate on his account. We had discovered no gold mines, and since he left me at Macassar I have never seen or heard of him again. If I could have afforded to do so, I should have sent some of the crew back as well, as I considered the voyage was practically ended with my arrest.

10. The room in which I was imprisoned at Macassar was a bare room without chair or table. Along two sides of it there were fixed wooden plat-

forms slanting from the wall, about 6 feet wide, forming plank beds for sleeping purposes, similar to those used in the cells for native prisoners. There was no ceiling, only the bare tiles, and the dividing walls between my cell and those on either side did not reach to the roof. At the end of my room was an iron bedstead occupied by a sick native soldier, who was at the time serving a term of imprisonment. He was called Kramer, and was born, as he told me, at Celebes, and his father and mother were natives of Celebes, and from his colour and appearance I have no doubt he was a native, and not an European. He was quite as black, if not blacker, than Malays generally are. Half-an-hour after I was put in there the doctor came and visited him. Kramer remained there the whole of the time of my stay, and was visited by the doctor about every other day. The tub of water in the room was emptied over the tiles every day and allowed to soak in. Sometimes a convict would sweep it with a cocoa-nut broom. With reference to the pine bucket, it was emptied into a tub, and was swilled with a little water into the gutter running along the passage at the front of the cells. The statement that the pine buckets were carried to the sea and emptied and washed out there is quite untrue. The sea is at least half-a-mile distant from the cells. The native soldier who was confined to the cell was obliged to use the pine bucket for the necessities of nature, which resulted in additional unpleasantness and personal discomfort to myself, because he, at least, could not, and he did not, "during the daytime make use of other conveniences set apart for the purpose behind the prison." This is suggested in the Counter-Memorandum as an alleviation of one of the discomforts of which I complain, but I had no personal knowledge of the existence of any alternative. There were no towels of any kind, and I only once had a wash at the well while in prison, when I wiped myself with the back of my shirt. Over the door at the entrance to my cell were the words "Veroordeelde Europeens," and it is admitted in the Counter-Memorandum that I was placed in this cell. I did not know the meaning of these words until Brantz, a prisoner in the next cell, informed me that it meant "For Europeans who are going to be hung." I copied the words down on a piece of paper, and as soon as I got out of prison I got a Dutch dictionary, and found that they meant "Condemned Europeans." Frieser, Brantz and two European soldiers—all, I believe, condemned and undergoing sentences—were in the next room to mine; that room had a curtain drawn across from side to side, four large iron bedsteads, four arm-chairs with cane bottoms, and a big lamp. I had no lamp in my room. I had no chair or table in my room, but Brantz lent me his chair a few times, which he brought to the door of my cell, where I sat upon it.

11. It is absolutely untrue that I requested that I might be put into the cell in which I was imprisoned on account of Frieser, or on any other account. When I was taken to the prison I was shown into the cell in which I remained all the time. I did not know when I entered the prison that Frieser was there, or that he was moving in the proceedings against me. I was never offered an iron bedstead, or any accommodation other than what I was provided with. I am absolutely certain that during the time I was in this cell the inscription on the outside over the door was "Veroordeelde Europeens." If it is different now it must have been altered since. It is not reasonable to suppose that a room without furniture, and similar to those in which natives are imprisoned, should be allotted to Europeans preventively detained, whilst the adjoining room, with iron bedsteads, chairs, tables, and other conveniences, should be allotted to condemned Europeans. Van Aagten was the gaoler while I was there, and his account differs in material particulars from that given by the man who suc-

ceeded him, as well as from his statement at page 79 of the Appendices to the British Memorandum. Van Aagten seldom came near me, and was not in a position to see how the convicts, who were charged with washing the cell and removing and cleansing the pine bucket, performed their task. Besides having the smell of the bucket in my room, I also had the benefit of a smell from the cells on either side of mine, one of which was occupied by about thirty natives, the other by Frieser, Brantz and two European soldiers, as before mentioned.

12. With reference generally to the evidence as to the furniture and appointments of the cell in which I was imprisoned at Macassar, the food with which I was supplied, the mode in which I was conducted as a prisoner through the streets, and the sanitary conditions of the place, contained in the evidence in the Annexes to the Counter-Memorandum, I would point out that it is full of inconsistencies and contradictions, and also that it was not given until 1894, three years after the events in question. Under these circumstances, it is only reasonable for me to claim that my account, which was given when the matters in question were fresh in my mind, is to be preferred to statements made long after the events referred to by persons who, if they had the same means of knowledge that I had, which in many cases they certainly had not, at any rate had not the same reason, or, indeed, any reason at all, for having such matters impressed upon their minds. I am quite capable of understanding that it would be worse than useless for me to put forward statements on these matters which were not true, and I adhere to my evidence on these subjects, which in most material respects is corroborated by one or other of the witnesses whose evidence is contained in the Annexes. I do not contend, and I am not concerned to contend, that the indignities and hardships of which I complain were more aggravated than, or differed from, those which would be inflicted upon a Dutchman in a like case. I do not know how the authorities of the Netherlands Indies treat other prisoners, except so far that I could see that Frieser Brantz and the European soldiers in the next cell to mine were, as is admitted in the evidence contained in the Annexes, in some respects more comfortably situated than I was, although they had been tried and sentenced, and I was "preventively detained." It must be, I should think, obvious to any European that the treatment which I, who had committed no offence, received could not fail to be in the highest degree not only distressing and painful, but injurious alike to mind and body.

13. The conversation alleged by Van Aagten to have taken place between myself and M. Verway never did take place, and I absolutely deny that I ever understood that I was asked if I had anything to complain of, or replied that I had not. The evidence of several witnesses speaks of my complaints (see Utermohlen Bernard), and nothing could suggest, as I submit, the knowledge on the part of Van Aagten that I was complaining more clearly than his alleged remark to M. Verway: "You see, Mr. President, that he has nothing to say." As a matter of fact, I held no conversation with M. Verway at all, and I still adhere to my belief that he reprimanded in my presence Van Aagten, as he well might have done, for confining me in the same cell with a condemned native prisoner. I could not understand what he said, and I only judged from the tone in which he spoke, and his gestures, that he was reprimanding Van Aagten for something such as I have mentioned.

14. With reference to the evidence of Scharpff, I do not know, and so far as I can remember, I have never seen this man. I was never captain of the *Nil Desperandum*. I was second mate and mate from 1863 to 1867. Captain Griffin, whose daughter I afterwards married, was the captain. On one occasion

we had a cargo of rice, and put into Amboina, and a ring was formed amongst the merchants there to make Captain Griffin sell his cargo for about half what he gave for it. He would not do this, and he put me ashore and left me in charge of it to have it sold in the market, which I did at a good profit.

15. With reference to the evidence of Vorstman, he never came to me until three or four days after I had been in gaol, and then stated he could do nothing until the preliminary examination was completed, because he would not be allowed to be present during the examination, or to see any documents. It was not true he was with me almost every day.

16. With reference to the evidence of Stormer, I say that I neither understand nor speak Dutch. I sent ashore to this man to get my ship's papers and port clearance, but he stated that he would come off himself and bring my papers with him. He came off to my ship, and paid me for a camera and photographic outfit which he bought of me. He stated that no port clearance was necessary, because the *Costa Rica Packet* was not a trading ship, and only put in for water and provisions. The officials told me the same thing at Macassar when I went to enter my ship, and I was neither required to enter nor clear her at that port. As regards Stormer's statement about what he had heard from Swijer, I do not know any one of that name; but the absurdity of the reported statement will appear when I say that Ross was my own partner. Numerous passages in the evidence contain hints and suggestions aimed against my character and the reputation in which I was held by the inhabitants of the islands in the Malay Archipelago. I repeat that after long acquaintance and many dealings with them, I left them without owing any man anything, and, so far as I knew, without an enemy amongst them.

17. In reference to the evidence of Bensbach, he was the man who arrested me, and he would give me no information about the charge. He told me, however, that when he received the order to arrest me he referred the matter back to Macassar to ascertain if he should carry it out, because he thought it dangerous to take a British captain out of his ship, and he was convinced that the Government would get into trouble over it. I expect this is the communication referred to in the order set out at page 45 of the Appendices, as bearing date the 7th April, 1891 (No. 223). It was Bensbach who informed my brother-in-law, Captain Griffin, with whom I have always been and am on the best possible terms of friendship, that an order was out to arrest me for running down a prauw outside Ternate, and Captain Griffin conveyed this news by letter to my wife at Sydney. He (Bensbach) it was who sent off Hadji Abdullah Kwie Liem to warn me that I should be arrested if I landed, and advising me to pull up my anchor and leave, because he did not want to arrest me. The said Bensbach and the witness Stormer have since, as I am informed, been removed from the Government service.

18. I put into Ternate in November 1891 for the purpose of getting medical advice for the fifth mate, Lopez, who was ill, and I was afraid would die, also for fresh provisions, and for no other reasons such as have been alleged. I abstained from saying anything in my former affidavit which might result in doing an injury to Bensbach, who showed me great kindness.

19. Referring to the evidence of Dousee, I say that none of my officers spoke Malay. It is absolutely untrue that I said to him, "I was glad they had arrested me," and "and that I should soon be able to go and live quietly in Sydney," or any words to a like effect.

20. The *Costa Rica Packet* was in good condition and well found at the time of my arrest. She was built in Guernsey, and at first had seventeen years'

class A 1, which was extended for eleven years' class A 1, and of this latter term she had some three years remaining at the time of my arrest. This is proof that she was exceptionally well built.

21. I was released on the 28th November, about 5 o'clock in the afternoon. No information was given to me that the Government would pay any expenses for taking me back to my ship. I had no intention, for the reasons appearing in this declaration, and from the Appendix to the British Memorandum, of going back myself to Ternate, but of sending the three officers back. They went by the first available ship, viz., on the 12th December, 1891, *Gouverneur-Général*, London. I tried to get passages on the *Camphuis*, but they refused to issue tickets, as they said the vessel was going to New Guinea.

22. In reply to the evidence of Uges Crans and Engelkes, I do not believe they ever saw a sperm whale in the neighbourhood of Gani. In my experience they do not go there. It would be difficult for any one except a trained whaler to tell at sight the difference between a sperm whale and some of the other sorts of whales, such as sulphur-bottom whales, grampuses, blackfish, or killers, which have no commercial value for whaling purposes, and were not the object of my voyage. These are often seen in great abundance in these latitudes all the year round, and I have known even the officers on a whaler not to know the difference. On an ordinary ship everything that spouts is set down as a whale.

23. Referring to the evidence of Van Linden Tol, I say the crew, so far from being small, was sufficient to man three merchantmen of the same size as the *Costa Rica Packet*, and when she was fitted out as a merchantman she only carried twelve hands all told. To the best of my belief I never spoke to Van Linden Tol the whole of the time I was on board his vessel, and I never saw him at any other time.

24. So far as I was aware, my order to throw the spirits overboard was obeyed, and I therefore gave no order as to its storage, and I did not know that any of it was stored until shortly before it was exchanged at Batjan. The finding of the prauw and its contents was known to every member of the crew who were allowed to go ashore at Batjan, and no secret was made of it. I personally regarded the finding as of no importance, as the stuff was to all intents valueless. I never have tasted spirits, and they were of no possible value to me for my own consumption.

25. With regard to the suggestion that the *Costa Rica Packet* might have continued her voyage, I still say that this would have been quite useless without my presence; but, in addition to my absence, three of the officers were away with me at Macassar as witnesses, which would have made it still more impossible for the voyage to have been continued. Not one of the officers would assert that he had the necessary knowledge to enable him to conduct a whaling expedition, and I was the only person on board with a knowledge of the habits of whales in these seas, in fact, the only man in Australia who knew their haunts and seasons. The capture of whales depends upon the skill of the officers, and even if Young had had the necessary knowledge, he had but one officer to assist him. This would have enabled only one boat to have been lowered, and it would have been most dangerous to attack a school of sperm whales with only one boat. Besides this, Young had not at that time a foreign-going certificate of competency, and could not be examined for one in Ternate, and I did not feel justified in my duty to the owners in even sending the ship to Macassar in charge of Young, as Bensbach suggested I should do. At a later date Young was induced to take charge of a whaling expedition

fitted out by Messrs. Lane and Co., of Sydney. He went as master of the brig *Phyllis*, and returned without making a single capture after an eight months' cruise off the south-west cape of Tasmania, a locality which he claimed to be familiar with. About the same time, the whalers *Helen* and *Water Witch*, from Hobart, were whaling in the same latitudes, and returned with good catches.

26. In the year 1894 various statements with reference to this case were published in the "Celebes Courant," and a copy of the said statements was sent by Messrs. Burns, Philp, and Co. to the said Young, and with reference thereto he wrote a letter in the following terms for the information of the Government of the Colony of New South Wales:—

Sydney, July 19, 1897.

"I see by the 'Celebes Courant News' of Wednesday, the 25th April, 1894, that Captain Carpenter went into Ternate for no other reason than to land and send an engineer named Pearson back to Sydney. Now this I flatly contradicted as being wrong, for I myself persuaded the captain to go into Ternate, as our fifth mate had been dangerously ill for some days with some internal disease. As we had a very light air, almost a calm, and the ship within a couple of miles of the port, and Captain Carpenter made up his mind at once when I told him how serious I thought the man's case was, and being ahead of our time, the captain thought he could well spare a day or two, especially as the man was a first class whaleman, second to none in the ship, his loss would have been a very serious matter to our voyage, and it was the first thing I did after Captain Carpenter's arrest, and it can be easily proved in Ternate, as Mr. Bruin kindly sent for the doctor to come to his store to save the sick man the extra walk to the barracks, and the doctor told me the man was very sick, and required a lot of care. Mr. Bruin and I had a long chat about the sick man, who was not long for this world. I may state this gentleman is one of the first storekeepers of Ternate, and is one of the best English speakers on the island. The man was a patient of the doctor, off and on, the whole of the time the ship lay at Ternate. As for the provisions the Dutch gentleman mentioned, they were to have been fruit and vegetables, as they are always welcome on a whaler after being on salt beef a few months.

"As for going in to land Mr. Pearson, who is termed an engineer, but was in fact an experienced miner, who had joined the ship as any seaman, and also to give his services and experience on gold-mining on an island we had touched at to fill up with yams, hogs, fowls, and fruit, the said island being one of the best in the Solomon group to water and get above articles, as well as a good anchorage and friendly natives, and the island being well known to have gold, I persuaded the man to ship with us, as I really had a great idea of the place, and thought that the man could do a good thing for himself, as well as for the ship and crew; but what this man has got to do with the Dutchman I fail to understand. But after the captain's arrest, when there was no help but to lay the ship up for the whaling season, as three of the officers had to go with the captain to Macassar, it was decided to allow Pearson to return to Sydney, and we would have been only too glad, under the circumstances, to have been able to send half the crew as well, as, when the captain and officers left, I had only the labour part of the venture left on board, as the officers are the ones who kill the whales. Now, to answer why the ship could not go and look for the whales—if it really does require an answer: I notice the Dutch gentleman states that I told the Resident that I could go out, find, and catch whales without Captain Carpenter; is also wrong, as Captain Carpenter is the first

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man within the last twenty-five years who ever took a ship from Sydney to whale in those waters, so how I could know anything about them when I had never been there before, and even had I been there and have had a good knowledge of the grounds, I could have done nothing, as the ship was destitute of officers, and, as I explained before, they are the ones who make a success of a whaling voyage.

"As for provisions, the ship was one of the best found ones that ever left this port on an eighteen months' cruise, and the people of Ternate should well be able to vouch for that, as, from the Resident down to the natives, they all had a cut at the ship's stores—except one gentleman, and he is the one who sent for the doctor to his store. He told me one day that he has never bought a biscuit or a piece of beef from the men, as he did not know whether they were allowed to sell or not, and he did not mean to mix himself up with any trouble that might occur.

"For the first couple of months biscuits and beef went at a terrible rate, in spite of anything I could do. The men would steal provisions, and the only way I could stop them was by giving each man his allowance, and letting them sell or give away their own. Gin was an inducement for theft.

"And now for the 200 florins per month, which was never worked out, as the Dutch gentleman imagines, into 7 florins per diem, as he puts it, but was spent among the people of Ternate on my own requirements, as I had to buy clothes, as I had only fitted myself with rough things for a whaling voyage, and had to get a stock, to entertain the Resident and big guns at Ternate to enable me to keep a little control of the crew, who imagined, when they used to see the Resident and other gentlemen of the place come on board two or three times a-week, I was well protected, when it was just the reverse, as those gentlemen at the head of affairs told me they could do nothing for me in the way of punishing the men unless they sent them through to Macassar, with me also to prosecute, which, of course, was impossible for me to do, as I could not leave the ship, and, if I could, the expense would be too great. You can easily understand how men go astray where they can get plenty of grog, and their captain in gaol. The only provisions I had to buy were fowls, vegetables, and fruit, which was paid for monthly. The arrest of Captain Carpenter was the greatest godsend the people of Ternate ever had, as they lived like fighting-cocks on the stolen goods from the ship in the first part, and the latter part on what the men could spare out of their allowance, which was considerable, as the ship's crew used to eat more fruit than anything else. I may also state that Captain Moore, of Her Majesty's ship *Penguin*, told me when I complained how I was handicapped that he considered the men, under the circumstances, were behaving very well, as the voyage was ended when the captain was taken out of the ship, as all hands had signed under him.

"CHARLES EDWARD YOUNG, *Chief Officer*."

I am unable at the present time to procure a declaration from the said Young, because I am neither aware of his present whereabouts nor able to procure his evidence in time.

27. I adhere to my evidence as to the times at which sperm whales frequent certain spots of these latitudes. From the 1st November till the middle of January is the season at which sperm whales are to be found in the Ruten Passage. After this they go off to other feeding-grounds, and although occasionally whales may be met with passing from one ground to another, the season is virtually over by the middle of January. At the end of May or the

beginning of June they are to be found near and about Waiang. It is quite impossible for any one who has not studied the actual habits of whales as a practical whaler to have the knowledge which I have on this subject. Although whales are taken at other times when on their passage from one feeding-ground to another, it would not, in my opinion, be worth while going out whaling on the very uncertain chance of catching whales on such passages. An instance, well known to whalers, occurs to me which illustrates the manner in which people who might be expected to understand whaling might be deceived. Sir James Ross, the Antarctic explorer, on his return from the expedition with the *Erebus* and the *Terror*, represented that right whales were to be found in great numbers about the edge of the pack ice in the Antarctic circle. As a result of this, and relying upon his information, some years after a whaling expedition was fitted out in Great Britain and sent to those parts; although they found seals plentiful there, and were able to fill their ships with seal-skins and seal-oil, they reported, on their return, that they had not seen a single right whale. This is an instance well known to people interested in whaling, and it is doubted that Sir James Ross mistook other animals of the whale tribe for right whales.

28. Referring to the evidence of Bensbach, it is quite true that I told him that on one voyage I had realized a profit of 8,000*l.*; but this was obtained in the course of about nine weeks, and was not the result of a full whaling cruise. I have never gone on a whaling cruise with a ship fitted up so well as on the voyage in 1891. I had more boats to lower on that occasion, and a better crew, and I was, consequently, justified in anticipating greater success than I had ever met with before.

29. Referring to the evidence of Voll and Van Aagten, I deny that I had the conversations and made use of the words alleged, or anything like them. I intended, naturally, to do the utmost in my power to obtain redress and compensation for my unjustifiable arrest, and at the earliest moment I made my formal protest, and gave notice of such intention. I believe that my release was due to the intervention of the British authorities, and I am supported in this view by the fact that though the evidence, which was held not to contain sufficient grounds to warrant a further prosecution, was closed on the 21st November, 1891, I was, on the 23rd November, notified that I might consult Counsel with a view to my defence, and on the 28th November the Officer of Justice, notwithstanding such notice, applied for my release. I say, generally, that I never at any time said anything or did anything which could be construed as expressing satisfaction at my arrest, or that I intended to retire on the proceeds of my claim. On the contrary, I have been ruined in fortune and damaged in health, and from the first I anticipated and feared such a result.

30. Referring to the evidence of Utermohlen, I call attention to the fact that he testifies that he does not consider the prison at Macassar suitable for European prisoners. With regard to the visit of inspection to the prison, I point out that it took place in the month of May 1894, during the prevalence of the south-east monsoon or the dry season of the year. I was detained at Macassar in the month of November 1891, after the commencement of the north-west monsoon, when the rainy season had begun.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of "The Statutory Declarations Act, 1835."

JOHN B. CARPENTER.

Declared at 20, Victoria Street, in the city of Westminster, this 30th day of June, 1896.

Before me :

EDWARD TAHOURDIN, a *Commissioner for Oaths*.

5. *The Facts of the Case of the May Reed.*

(Referred to in the New Memorandum.)

THE *May Reed* was a British ship owned by Mr. C. B. Hinson, and she arrived at Cape Haytien on the 8th August, 1894. On the 18th of that month, the master and two of the crew were arrested on a charge of smuggling; they were tried on the 25th October, no witnesses were called, but the Court, relying as would seem on the Customs documents, showing that the articles alleged to have been smuggled had been duly declared, and on a letter from the Chief Financial Administrator of the district, stating that the Customs officials had taken due cognizance of the articles in question three days before the men were arrested, acquitted the prisoners. An appeal was lodged against the decision; the grounds of the appeal do not appear, neither is it clear that the appeal was ever heard. On the 30th January, 1895 (or, according to the seamen, on the 29th), after the men had been in prison 166 days, they were told that they were free.

In the meantime, the remaining members of the crew, being unable to manage the schooner, and having no resources, had returned home, and the vessel had gone to the bottom of the sea.

The men state that they were confined in a cell some 12 feet square, absolutely unprovided with any sanitary arrangements whatsoever, and that there were frequently as many as twenty-two other prisoners in it. There were neither beds nor bedding. They were constantly short of water, and had to rely on the kindness of friends for their food. Medical assistance was refused to them, although the two seamen suffered from fever, and the master from fever, diarrhoea, and dysentery.

The cell in which the men were confined is described by other persons as "extremely close and filthy," "a miserable dirty place," and one of the persons in question stated that he would not go back to see the men on account of the vermin.

No. 4.—*Translation of the New Counter-Case of the Government of Her Majesty the Queen of the Netherlands, in reply to the New Memorandum presented by the Government of Her Britannic Majesty, in the matter of the Ship Costa Rica Packet.—October 1896.*

ALTHOUGH the New Memorandum* does not contain anything which has not already been refuted in the Counter-Case of the Netherland Government, that Government, from motives of courtesy, feels that it cannot leave the allegations of the N.M.

* The New Memorandum will be hereinafter referred to by the letters N.M.

unanswered. In this reply, nevertheless, an endeavour will be made to observe the greatest conciseness, and it will not deal further with the question of the claim put forward in the name of the owners and the crew of the *Costa Rica Packet*, as the N.M.—except for the mention (on page 46) of the Stokes' case, which presents no analogy to the case of the *Costa Rica Packet*—does not contain a single word to maintain the soundness of these claims against the arguments developed in the Counter-Case, in conformity with the original decision of the British Government itself, and the opinion of the "Law Officers" of the Crown.

The question of the figures will also be passed over in silence, as the N.M. does not reply to what has been advanced on this point at pages 29–31 of the Counter-Case, and merely calls attention to the fact that the Arbitrator has the right to be assisted by experts. Could it have been forgotten that the clause of the Convention which accords this power to the Arbitrator contains the following words: "Without prejudice to the obligation devolving on the plaintiff party of establishing the injuries sustained?"

The reasoning of the N.M. with regard to the claim formulated in favour of Carpenter is based on the same errors in law as the first Memorandum of the British Government.

Leave having been given to prosecute Carpenter, and he having been arrested on Dutch territory, in virtue of an order of a Judge competent in this respect according to Netherland Indian law, and in conformity with the rules prescribed by that law, the Judge only had to decide—except for an appeal to superior jurisdiction—whether the presumptions arising from what was brought to his knowledge were sufficient to justify the granting of leave to prosecute and arrest. His decision in this respect cannot be made the object of a subsequent inquiry, either on the part of the Netherland Government or, still less, on the part of another State.

To allege the contrary is to fail to recognize the independence of judicial power, and to violate the great and salutary principle in accordance with which the decisions of that power expressed in the form prescribed by the law of the country are not subject to the control of another Power.

Now, the N.M. no longer disputes, as did the first Memorandum of the British Government, that all the acts of the authorities have been in perfect harmony with the legal procedure in force in the Netherland Indies in connection not only with the granting of leave to prosecute, but also with the arrest of the accused. (Amongst the Articles of the Regulations relating to the preliminary investigation of criminal matters in the Netherland Indies quoted at page 8

of the Counter-Case, Article 71 specially concerns the arrest of the accused.)

There is no question, therefore, that in ordering and carrying out the arrest of Carpenter *on Netherland Inland territory* on presumptions from which it apparently followed that he had committed a criminal offence within the cognizance of the Netherland Indian Judge, the judicial authorities exercised a power which the law of their country gives them, and that in the execution of the order which they made the formalities prescribed by that law have been observed.

The preliminary investigation ("instruction") in the case not having, in the opinion of the Netherland Indian Judge, furnished sufficient presumptions to warrant an order to send the case for public trial in Court, Carpenter was set at liberty.

In all this there is nothing to justify any claim for damages. A Dutch subject would not have had any right to claim them. Why, then, should this right be given to a foreigner?

In support of the foregoing, it is not unimportant to observe that an eminent English jurist in an article recently published in the American Review "International Journal of Ethics,"* under the title "International Arbitration," after having referred to the case of the *Costa Rica Packet*, and put the question by what law ought the point in dispute to be determined, expresses himself in these terms: "All that will be required beyond the ascertainment of the facts is therefore Dutch law, and a moderate dose of comparative jurisprudence."

Very well; in applying to the Articles quoted from the Netherland Indian Statute "a moderate dose of comparative jurisprudence," it will be seen that the system in force in the Netherland Indies is analogous to that of the Kingdom of the Netherlands and in harmony with that of the "Code Française d'Instruction Criminelle," and the Codes based upon it; with this difference, nevertheless (unimportant in the case with which we are concerned), that the institution of a jury does not exist in the Netherland Indies or in the Netherlands.

The sufficiency of the presumptions warranting the granting of leave to prosecute and the arrest of the accused is intrusted to the *arbitrium judicis*, not only with reference to the facts upon which the competence of the Judge depend, but also with regard to the details of the offence and the guilt of the accused. No exception can be admitted to this rule, which is recognized in all civilized countries (in England just as much as in the Netherlands), except in the case where it is proved that the authorities have acted in

* October 1896, page 9, "Article by Mr. J. Westlake, Q.C."

bad faith. Happily there is no such question in the present litigation.

The N.M. passes over in silence what has been said in regard to this in the Counter-Case.

Nor does it allege that the *legal* procedure adopted by the Court of Macassar is contrary to international law, but endeavours to show that the presumptions which gave rise to the granting of leave to prosecute Carpenter were insufficient.

It seeks in reality to occupy the position of the Judge in considering the sufficiency of the *facts* of the process.

Such a claim is not admissible. It would not be so if it dealt with a sentence involving *condemnation*. Still less so is it in this case, which does not deal with the question of knowing if what would justify the condemnation of the accused is *proved*, but only with *the sufficiency of the presumptions*, a necessarily delicate matter, which does not admit of being treated by fixed rules, and in regard to which it is clear that, in order not to fetter the due administration of justice, great liberty ought to be allowed to the Judge.

The Government of the Netherlands, nevertheless, has not hesitated to discuss in its Counter-Case the weight to be attached to the presumptions both with reference to the competence of the Netherland Indian Judge and also to the guilt of Carpenter, but it has done so under the express reservation that there was no obligation to do so under the principles of international law.

The N.M., in contesting the reasoning put forward in this respect by the Government of the Netherlands, does not take sufficient account of the nature of a *presumption*. An attempt is made to throw doubt upon the facts alleged, almost always forgetting that to justify an order granting leave to prosecute or a provisional arrest, it is by no means necessary that the facts relied on should be *proved*.

Evidently, the authors of the N.M. could not find plausible arguments to prove—contrary to what had been stated in the Counter-Case—that the *presumptions* resulting from the depositions of Frieser, of Palmer, of Koo-Tong-Au, of Ginzel, of Soei-Eng-Ko, of Vasquez, and lastly, from that of Rimestad (cited page 24 of the Counter-Case), were insufficient to justify the granting of leave to prosecute Carpenter or his arrest, which was in effect only the beginning of the judicial process, the commencement of the preliminary investigation ("instruction"), serving to collect more precise evidence, and leading to the case being sent for public trial in Court, if such evidence were furnished.

A condemnation could only have been pronounced on the basis of the depositions of witnesses at this public trial, and after argument following the examination of the witnesses.

It was only a question of the sufficiency of the results attained in the first of the three principal stages of the criminal procedure to enable a decision to be come to on the closing of the *preliminary inquiry* ("informations préalables") and the opening of the *preliminary investigation* ("instruction").

He who reads, without prejudice and without having acquired a knowledge of the depositions of witnesses *collected later in the course of the preliminary investigation*, the depositions known to the Court of Macassar at the moment of the granting of leave to prosecute must recognize that they contain presumptions—insufficient, if you will, to justify a *condemnation*; insufficient, perhaps, to warrant the matter being sent to public trial—but more than sufficient to authorize the preliminary investigation ("instruction"), which, in the system of the criminal procedure of the Netherlands, and of the *Netherland Indies* (and this cannot be too strongly insisted upon), is precisely designed to set on foot a preliminary inquiry into the matter in order to enable a judgment to be formed whether there are or are not grounds for sending it to public trial.

The law authorizes the Judge to order the detention of the accused for the express reason, amongst others, of rendering the preliminary investigation more effective; admitting that the presumptions were sufficient to warrant the granting of leave to prosecute, the Judge should not be blamed for having ordered at the same time the arrest of the accused, seeing that he was dealing with an offence dangerous to the security of navigation, and with an individual following the profession of a ship's captain, leading in consequence a roving life, and able, if he were not imprisoned, to easily escape the execution of a sentence which might be unfavourable to him.

In examining the contents of the N.M. we are continually meeting with this fundamental error already above referred to, which consists in misconceiving the nature of the presumptions requisite for granting leave to prosecute. This can be applied to each of the three grounds upon which the competence of the *Netherland Indian Tribunals* can be supported.

A few words will suffice to show this:—

1. *The presumption in support of the fact that the theft was committed in the territorial waters of the Netherland Indies.*

The N.M. endeavours to prove that the theft was not committed at a short distance from the coast. For this purpose it relies—

(a.) On the opinion of the "Hydrographer of the English Admiralty," who, according to the N.M., estimates that, at the moment of the offence, the *Costa Rica Packet* could not have been within a distance of 3 miles from the coast.

It may be stated in reply to this that, since the British Govern-

ment has thought it necessary to submit the examination of the matter in question to a high scientific authority, the Court of Macassar surely had no right to decide it *a priori* in the negative sense without having called forth, by granting leave to prosecute, the judicial investigation, the object of which was to make the matter clear.

(b.) On the admission of the Dutch Government that the prauw was at the moment of pillage a distance of more than 3 miles from the coast.

The Netherland Government has never admitted this fact. In the Counter-Case, at page 5, exactly the contrary appears: "For even if it were admitted that the territorial waters do not extend further than 3 miles from the coast, and if it were proved—which is by no means the case—that the prauw had been encountered outside the territorial waters, there was," &c.

Perhaps it was intended to refer here to what was said by the late Baron van Dedem, according to Sir Horace Rumbold's letter dated the 15th August, 1892, cited in the first English Memorandum on page 3. In respect to this it is to be remarked that, even admitting that the Minister of the Colonies expressed himself in this way, he could only have had in view the opinion given by the Court at Macassar. It is true that this Court based its order of no case (*conclusion of the preliminary investigation*) on the consideration that the theft was not committed at a distance of less than 3 miles from the coast, which does not, however, alter the fact that in reality this point remained doubtful.

The assertion of Carpenter, in this respect the principal party interested, is in contradiction with that of impartial witnesses; further, it was not known to the Court, and could not have been known when *leave to prosecute* was ordered to be granted.

It is not, perhaps, without interest here to call the attention of the Arbitrator to an error in the N.M. at page 40, where it is said that: "The Netherland Government have attempted to suggest that the last-quoted answers refer to the position of the prauw on the evening of the 23rd January, 1888." It is only necessary to read page 24 of the Counter-Case in order to be convinced that the Netherland Government interpreted the replies of Palmer in the sense that they indicate the distance of the *Costa Rica Packet*, and not of the prauw, from the coast, as follows, moreover, from the clear and precise text of the depositions of witnesses. The prauw must then have been still nearer the coast when the whaler *Costa Rica Packet* took possession of it. Nevertheless, although Palmer had been interrogated in the month of June 1888, the Court of Macassar did not consider it necessary to grant leave to prosecute till after having received the deposition of Rimestad

(August 1890), by which the presumption that the theft was committed a short distance from the coast of the Netherland Indies was confirmed (comp. Counter-Case, page 25).

The Court of Macassar, in referring to the distance of 3 miles from the coast as indicating the extent of the territorial waters, was not quoting the provisions of any positive law (enactment or Treaty), but was simply expressing the personal opinion of its members with reference to a principle of the law of nations. There was nothing to prevent a change of opinion after a closer examination of the question. The fact of the Court not having done so, its decision that it was necessary to maintain the principle of the 3-mile limit, and its admission on the strength of the depositions of the members of the crew of the *Costa Rica Packet*, Gallagher, Howard, and Lopes (collected after the granting of leave to prosecute), that the theft was not committed at a distance of less than 3 miles from the coast, all go to prove that the Court was much less harsh than it might have been, and that Carpenter undoubtedly has no right to make complaint on that score.

The Counter-Case having called attention to the fact that, according to the opinion of the most competent authors on this subject, the territorial waters actually extend beyond 3 miles, the N.M. (page 42) ventures to express itself, with reference to this important point, as follows:—

“The Counter-Case has endeavoured to set up (but faintly, it is true) the theory that the territorial waters of the Netherland Indies extended beyond 3 miles, and this theory is based upon alleged admissions by most eminent authors on the subject, and upon the well-known proposition of Bynkershoek. The eminent authors are not cited, and so far from there being any real authority for the position that the territorial waters of any country extend beyond 3 miles from the coast, it is submitted that authority and the common practice of all nations is all the other way.”

This assertion is, indeed, somewhat bold. In not naming the eminent authors to whom allusion is made in the Counter-Case, we were inspired by a feeling of delicacy. But since the N.M. seems to throw a doubt upon the correctness of the appeal to scientific authority, the Government of the Netherlands no longer hesitate to cite the following passages of the article “*Le Tribunal d'Arbitrage de Paris et de la Mer Territoriale*,” published in the “*Revue Générale de Droit International Public*” (1894, No. 1), and from the pen of his Excellency M. de Martens:—

Page 36.—“In examining this question from the point of view of positive international law, it is impossible to prove that a general and universally recognized rule concerning the limits of territorial

waters is at present established. No consistent principle has been established on this point either in theory or practice."

Page 39.—"In our opinion, the only true limit of the territorial waters ought to be the range of a cannon-shot from the coast. This principle, proclaimed by Byukershoeck in the famous adage 'Terræ dominium finitur ubi finitur armorum vis,' ought to be recognized to the present time as the only legal and rational basis for determining the limits and the sovereignty of a maritime State over its territorial waters."

Page 40.—"When in former times the range of artillery was 3 miles, the extent of the territorial waters was only 3 miles; at the present time, when a cannon carries 12, or even up to 15, miles, the territorial waters of modern States ought equally to extend up to 15 miles."

In reading these pages one wonders how the authors of the N.M. could write (on page 43):—

"And it is respectfully submitted that the views of all writers of authority of international law concur in the view that the marine league of 3 miles is the limit from the shore beyond which the territorial waters of a State do not extend."

It should be observed that the N.M. cites *in extenso* a passage from Sir Robert Phillimore, in which that eminent jurist pronounces in favour of the distance of 3 miles as being the equivalent of "the distance of a cannon-shot from the shore at low tide." For a long time this statement has ceased to be correct.

2. *The presumptions in support of the fact that the theft was committed on board a Netherland Indian ship.*

The depositions collected before the granting of leave to prosecute were more than sufficient to make it probable that the theft was committed on board of a Netherland Indian ship.

This probability rested both upon the fact that a prauw loaded by Frieser had broken loose from its moorings off the coast of the Island of Boeroe a few days before the theft, and upon the depositions concerning the cargo of the lost prauw and that of the one discovered by Carpenter, as well as upon the deposition of Rimestad, who had read the name of Frieser on the cases which were in the prauw.

At page 41 of the N.M. a vain endeavour is made to refute this contention of the Counter-Case.

At first it states that the last witness (Mr. Rimestad) declared he recollected that the cases bore the name of Frieser, Amboina, because he had noted it in his pocket-book. But, it goes on to add, in this pocket-book the name is written *Freaser* and not *Frieser*.

Can it be seriously believed that the identity of the prauw found

with the one which was lost by Frieser can be contested because the Dane, Rimestad, committed an error of orthography in writing this name in his pocket-book? Is not such an error quite excusable? We need only observe that the authors of the *English Memoranda* always speak of the witness as *Rimstadt*, when his real name is *Rimestad*.

An analogous reply can be given to the objections based on the slight divergence between the depositions of different witnesses with regard to the colour, the construction, and the contents of the prauw. Instead of rendering less probable the identity of the pillaged prauw with that lost by Frieser, these divergences concerning points of secondary interest are easily explained by the time which elapsed between the date when these facts occurred and that on which the witnesses made their depositions; and they are rather of a nature to confirm the good faith of these witnesses.

Even had it been a question, not merely of examining the presumptions which might warrant a prosecution, but of obtaining the proofs necessary to establish the competence of the Tribunal to pronounce a final judgment, the fact that the theft was committed on board a Netherland Indian ship was sufficiently proved.

The N.M. does not dispute the competence of the Netherland Indian Courts, even according to the principles of English law, to take cognizance of offences committed on board a Netherland Indian ship (comp. Counter-Case, page 28). But in order to show that these principles could not be applied in this case, it establishes, with reference to the condition in which the ship ought to have been found, a distinction inadmissible in law (pages 45 and 46, N.M.).

3. *The fact of the sale of the goods at Batjan on Netherland Indian territory.*

Here we no longer have to deal with *presumptions*. The fact is thoroughly proved by the depositions of Koo-Tong-Au, of Ginsel, of Soei-Eng-Ko, of Vasquez, "and was confirmed later by the admission of the accused himself in the preliminary investigation." The Macassar Court believed, nevertheless, that it was unable to base its jurisdiction on this fact, because the principles of English law were not applicable to this suit. The N.M. hastens to support this argument. "It is difficult to see," we read at page 46, "what the Netherland municipal law could have to do with the principles of English law assumed to be referred to."

In writing this sentence the authors of the N.M. seem to have departed from their usual prudence. In relying here on the Netherland law, they forget that the British Government is the starting-point of its claim the fact that the

question with which it deals ought not to be decided according to this municipal law.

It is clear, nevertheless, that if the competence of the Netherland Indian Courts ought to be admitted according to the law of the foreign prisoner—in this case English law, it should not be disputed by the Government of the State to which he belongs—in this case the British Government.

Now, according to English law, this competence exists, and the N.M. endeavours in vain in the following sentence to prove the contrary:—

“The principle of the continuity of the offence of theft, according to English law, which is referred to in the Counter-Case, does not appear to the British Government to have any place in this case [why not?], and certainly not in the connection in which it is quoted [why not?], and has no application to the case of an offence originally committed out of the United Kingdom, or to an offence originally and in its inception innocent” (page 46).

The two last parts of this sentence contain several errors in law.

In the first place it is not correct, according to the system of English law, to speak here of an offence “*originally committed out of the United Kingdom.*”

The continuity of the offence of theft implies, according to English law, that it is only considered to be finally committed at the moment of the appropriation or of the realization of the stolen articles.

Further—and this is a principle of law generally recognized—if an act is not guilty in its origin (originally and in its inception innocent) it can only be considered that an offence has been committed at the moment when a formal act proves the fraudulent intent. In the hypothesis that Carpenter wished, in taking possession of the contents of the prauw, to perform an act of salvage—as is alleged in the first British Memorandum, page 9—Carpenter would only have committed the offence when he disposed of the objects for his own benefit, which he did at Batjan on Netherland Indian territory. According to the principles of all criminal legislation the Netherland Indian Judges were then competent. If the Court of Macassar believed it ought to admit the contrary, Carpenter had no right to complain.

As regards the quotations made by the Counter-Case from the opinion of the Law Officers of the British Crown, quotations, the authenticity and correctness of which are not disputed by the N.M., the latter deals with them in a very evasive manner.

It is to be regretted that the practice of the public Departments in England does not permit of communicating to the Arbitrator the documents which have reference to this opinion. It may be

observed amongst other things that the Law Officers of the Crown could base their opinion only on the documents which were submitted to them, and that they had to pronounce it only on the question with reference to which their opinion was asked, and not on the propositions advanced in the Memorandum with reference to the incompetence of the Netherland Indian Judge.

The Law Officers of the Crown, it goes on to say, have not, like the Arbitrator, the advantage "of having the arguments and allegations on both sides, and the whole facts, before them" (page 44).

It is true that these Law Officers have only heard one of the parties, the Government of the Netherlands not having had the opportunity of submitting its defence.

But it may be asked how the opinion of these Law Officers could have been less favourable to the system of this Government if they had taken cognizance of its grounds of defence, than it is now when they have had placed before them only the exposition of the question which emanated from the British Government, and the documents which that Government communicated to them?

Quite the contrary! If the honourable Law Officers of the British Crown had known all the circumstances recapitulated in the Counter-Case, in order to show that the Netherland Indian Judge was competent, even if it should be admitted that the *prauw* was not pillaged in the territorial waters of the Indies, they would, probably, after having stated "that there is nothing in this so contrary to the practice of civilized nations as to enable Her Majesty's Government to found thereon a claim for compensation," have suppressed the part of their opinion in which, in order to justify the indemnity claimed for Carpenter *personally*, they allege (wrongfully)—while pointing out again "the difficulty of enunciating any principle upon which a claim for compensation can be founded"—that the Macassar Court may be blamed for having acted with a certain carelessness.

They would probably have admitted that if such a reproach could be addressed to the Court, it would be on the ground that it had neglected to make use of all the arguments which proved its competence.

Carpenter having complained of being treated with excessive harshness and severity, the Netherland Government took the trouble to institute an exhaustive inquiry with reference to the facts alleged in support of this complaint.

By means of this inquiry it had the satisfaction of being able to show that the complaints had not the slightest foundation (comp. pages 32-34 of the Counter-Case, and the Annexes which are cited).

N.M. has found no better argument to make use of against

the results obtained by that inquiry than the observation that part of the witnesses were "natives and persons not Europeans," and that the others were officials whose acts formed the subject of the inquiry (page 46).

The honourable Arbitrator will see at once, by reading the minutes of the proceedings, that the N.M. is mistaken in this contention. It is, however, very curious that this argument should have been resorted to in a case where the attempt is being made to prove the baselessness of complaints which rest almost entirely on the testimony of persons pecuniarily interested in the matter, and claiming on this ground heavy damages.

The "Schedule" annexed to the N.M. contains, *sub* I, a declaration of Mr. Charles Bernard (Carpenter's friend), principally going to show that the prison at Macassar is unhealthy.

It is sufficient to set against this assertion of Mr. Bernard the deposition—annexed to the present Memorandum—of M. van Berckel, Assistant Resident of Police at Macassar, and in that capacity perfectly in a position to know the state of that prison, and the treatment of the prisoners. It shows that the prison was not damp, and it supplies, also, confirmation of what was averred in the Counter-Case, and proved by the inquiry with respect to the consideration with which Carpenter was treated during his detention.

Besides this, the declaration of Mr. Bernard, according to which the Government had hired a private house in which to confine the Dutch planter, Abbema, during his provisional detention, is incomplete, and therefore incorrect; it appears clearly from the papers dealing with the case of Abbema that the reason for this measure was not the unhealthiness of the prison, but a serious complaint (nervous affection and exhaustion) of the said Abbema, for which medical treatment *outside the prison* was recommended. It is evident that a prolonged sojourn even in a healthy prison might have been very detrimental to the health of a neuropath like Abbema, but it cannot be admitted that a sailor like Carpenter could have experienced any evil consequences from a detention of a dozen days in the same prison.

As to the declarations of Willham Inglis, of Isaac Paddle, and of Carpenter, the person principally interested (N.M., pages 48–56), they contain nothing which can have any influence on the decision of the case, or which has not already been refuted. Besides, we find in Carpenter's declaration some statements evidently fanciful, such as that concerning another prauw which had been found by him, &c., &c., statements which are not worthy of serious examination.

The Government of the Netherlands having replied to the

observations contained in the N.M. has nothing more to add to its first Counter-Case. Convinced that no claims to indemnity are established, it maintains the conclusions stated at the end of that document, and it awaits with confidence the judgment of the eminent jurist charged by his august Sovereign to decide this case.

ANNEX.

Deposition of M. J. M. van Berckel, formerly an Official of the Netherland Indian Government.

Answers to the following Questions put to the Undersigned by the Officer of Justice of the Court of the Hague.

(Translation.)

Q. 1. Were you Assistant Resident of Police at Macassar in the year 1891?—A. Yes.

Q. 2. Was the State prison inspected from time to time by a Judicial Commission?—A. A Commission composed of members of the Court of Justice inspected the State prison at irregular intervals. This inspection covered the food and treatment of Europeans provisionally detained, as also the proper keeping of the registers. On those occasions the European prisoners were personally questioned.

Q. 3. What do you know as to the attention which was given there to those who were ill?—A. The Europeans were taken care of in their own rooms, the natives in a room specially set aside for the purpose. A regular native staff attended to the sick, who were treated by an officer of health (army doctor). The latter visited the prison daily, usually in the morning.

Q. 4. What do you know of the condition of the buildings?—A. The buildings were in good condition, and were kept in very good repair. Sufficient funds were available for the purpose. The site, as a whole, presented an excellent appearance.

Q. 5. The State prison is alongside the road which runs past the Government Offices and the mansion of the Governor of Celebes, and then forms one of the sides of the Palace Royale (Koningsplein). Is the prison on the same level as that road (called "het Hooge Pad")—the High Road—or is it lower?—A. The prison is on the same level as the road called "het Hooge Pad" (High Road).

Q. 6. Can the water drain away easily at the time of the north-west monsoon (the rainy season)?—A. The various prison buildings are surrounded with gutters, in which the water from the roofs is collected; these gutters run into a very large and sufficiently deep ditch which goes round the site, and from which the water can drain away into the sea. Within the wall of the prison inclosure water never remained long stagnant, even after heavy rains.

Q. 7. Were the buildings damp?—A. The buildings were not damp.

Q. 8. The State prison of Macassar being used for native and European prisoners, are two classes of prisoners treated on the same footing, or was any distinction made with reference to the place of detention during the night, bedding, bath, food, &c.?—A. The State prison at Macassar

is for native and European prisoners. Naturally the two classes were strictly kept apart and differently treated. The natives slept together in large rooms on wooden camp-bedsteads, furnished with leather pillows and a mat. Their food consisted, according to the regulations, of rice, with the necessary relishes, a few vegetables (sajoe), and pimento (lombok), and fresh or dried meat, fish, or eggs.

The Europeans under provisional detention—who were few and far between—occupied separate and spacious rooms, which were suitably provided with necessary furniture, such as a table, some chairs, a washstand, an iron bedstead, with mattress, cushions, and bedding, and were usually occupied by one person only, and, at most, by two. The food—breakfast, dinner, and supper—was the same as that generally eaten by Europeans in the Netherland Indies, viz., a breakfast composed of bread and butter and coffee; the dinner consisting of rice, with relishes, prepared in various ways, chicken and butcher's meat; in the afternoon, tea, and later on, supper, consisting of soup, vegetables, potatoes, and meat; everything sufficient in quantity and well cooked.

There was then a very great difference between the food of the natives and that of the Europeans; this last was, besides, prepared separately, and supplied by other caterers, at least, in the earlier years of my residence in Macassar. Later on, the same person supplied the food for both classes of prisoners; but then, also, it was cooked separately, that of the Europeans being prepared by a special cook in the prison itself.

There were two wells for baths. The Europeans were perfectly apart from the natives, and bathed at a different hour.

Q. 9. How did the gaoler Van Aagten and the native staff under him execute their duty?—A. The gaoler Van Aagten carried out his duties very faithfully, and was a kind but strict chief to his subordinates.

Q. 10. Were any complaints about him made to you?—A. I never heard complaints against Van Aagten, but sometimes against the subordinate staff.

Q. 11. Were the registers entered up every day?—A. The registers were entered up every day.

Q. 12. Did the gaoler give proper attention to cleanliness and order, and had he a sufficient staff at his disposal for the purpose?—A. The gaoler gave proper attention to cleanliness and order, and had for this purpose a sufficient staff at his disposal. I satisfied myself of this on several occasions.

Q. 13. It is known that the disease called "berri-berri" is very common in the Netherland Indies. Were sufficient steps taken at Macassar to combat this disease? What was the treatment of the native prisoners who suffered from this disease?—A. The steps for combating the disease called "berri-berri" were taken in concert with the chief officer of health (army doctor), Lieutenant-Colonel Lowe. The native prisoners attacked by this disease were, under the directions of the army doctor, taken 4 kilom. away from Macassar to an establishment consisting of several small houses constructed of bamboo, in the native manner.

Q. 14. During your term of office at Macassar was there any European prisoner who had the disease called "berri-berri"?—A. During my term of office at Macassar no European prisoners had this disease, but they sometimes had fever, &c.

Q. 15. What was the general sanitary condition of the European prisoners? Are you acquainted with any figures as to the mortality or disease?—A. The sanitary condition of the European prisoners was satisfactory, and no cases of death occurred during my term of office. Generally, the sanitary condition was

satisfactory, considering the large number of native prisoners, and, although I have no figures at my disposal, I believe I can state that the number of deaths was very small.

Q. 16. Mr. Carpenter has made divers complaints before the "Legislative Council" of New South Wales on the subject of the treatment which he underwent at Macassar. He alleges that on his arrival at Macassar, he was marched from one place to another for half-a-day before he at last reached the official to whom it was necessary to bring him (the Officer of Justice). Is that admissible?—A. What Mr. Carpenter says he underwent on his arrival at Macassar is inadmissible. In order to get Mr. Carpenter admitted into the prison, the gaoler who had accompanied him from Ternate had only to attend before the Officer of Justice, whose office is in the Court of Justice. This building, as also the Government offices, the prison, and the other Government buildings, are all situated a short distance from the landing-stage, and also from one another. One would only require half-an-hour at most to visit each of these buildings in succession.

Q. 17. What is the distance of the ordinary landing-stage for steamers from the Government offices, the prison, and the Court of Justice?—A. The Government offices are some minutes from the landing-stage; one can easily reach the prison and the Court of Justice in six or eight minutes.

Q. 18. On the arrival of steam-ships at Macassar, are there any police on the landing-stage?—A. There are always police at the landing-stage on the arrival of steam-ships.

Q. 19. Mr. Carpenter alleges that the pails intended for the use of himself and of his military fellow-prisoner were emptied each morning into the gutter in front of his room and then thrown back into the room without being cleansed. Can that be true?—A. That is absolutely false. The pails in question were never emptied into the gutter. Early in the morning they were carried to the sea by native convicts, emptied, cleansed, and then brought back. The gutter served, as has already been said, exclusively for disposing of the water from the roofs, and that which was used for washing the cells and the corridors.

Q. 20. Where do the prison gutters discharge themselves?—A. The prison gutters discharge themselves into the ditch surrounding the prison, which communicates with the sea by drains.

Q. 21. Describe the surroundings of the prison?—A. The prison is entirely isolated. It is surrounded by a ditch, whilst a wide road separates it in front from the Place Royale (Koningsplein), behind from dwellings of Indo-Europeans, to the right from the European cemetery, and on the left from dwelling-houses of Europeans.

Q. 22. What was done with the contents of the night pails? Does the State prison communicate with the sea by a stream or by drains of sufficient capacity to carry off the fecal matter of the prisoners?—A. The ditch which surrounds the prison communicated, as has already been said, with the sea through drains. It was not used for the emptying of fecal matter, because it was often dry, and because the slope from the prison to the sea was very slight. With a view, therefore, to the requirements of cleanliness and health, the vessels were emptied into the sea near by, by native convicts.

Q. 23. Mr. Carpenter alleges that they gave him the same food as the native prisoners. Is that true?—A. That is also false. They gave him food which was prepared separately. (See No. 8.)

Q. 24. He also alleges that he had to bathe in the same well as native

convicts. Is this true? Was there only one place to bathe in?—*A.* (See under No. 8.)

Q. 25. He complains that he was conducted from the prison to the Court of Justice guarded by an armed native. Is this a serious complaint?—*A.* The police force is composed of natives. He was, therefore, conducted to the Court of Justice by native police, as would have happened anywhere else in the Netherland Indies. These policemen, however, walked some paces behind him. The Court of Justice is situated opposite, and in the same square as the prison, and at a distance of eight minutes at most from the latter. There would have been no objection if Mr. Carpenter had preferred to use a carriage to go from the prison to the Court of Justice, which would not have cost him more than 25 cents each time.

Q. 26. Did Mr. Carpenter complain about his treatment to you either personally or through the medium of M. Vorstman?—*A.* Mr. Carpenter never complained to me of his treatment either personally or through M. Vorstman. In my opinion he had no want of opportunities to complain not only to me, but, in the first place, to the Officer of Justice, and again to the Commission of the Court of Justice, and to the Judge of the Preliminary Investigation (Juge Commissaire).

After reading the witness signed below.

Signed at the Office, October 14, 1896.

V. BERCKEL.

VAN DER KEMP, *Officer of Justice at the Hague.*

No. 5.—M. de Martens to Sir N. O'Conor.

M. L'AMBASSADEUR, *Saint-Petersbourg, le ¼ Février, 1897.*

J'AI l'honneur de remettre entre les mains de votre Excellence la sentence arbitrale dans l'affaire *Costa Rica Packet*, que j'ai prononcée en acquit du mandat que mon auguste Maître, Sa Majesté l'Empereur de Russie, sur la demande du Gouvernement de Sa Majesté Britannique et du Gouvernement de Sa Majesté la Reine des Pays-Bas, a gracieusement daigné me conférer.

L'étude consciencieuse et approfondie de tous les documents produits par les deux Gouvernements en litige, et le désir sincère de répondre par une décision scrupuleuse et impartiale à la haute confiance qui m'a été dévolue, telles sont les bases de ma sentence arbitrale.

Au moment où expirent mes fonctions d'Arbitre, j'ai à cœur d'exprimer encore une fois ma respectueuse gratitude pour le témoignage de confiance dont j'ai été honoré de la part des deux Hauts Gouvernements en litige, et je me permets d'espérer que la sentence arbitrale dans l'affaire *Costa Rica Packet* sera en quelque sorte une nouvelle étape dans la voie de la paix et de l'arbitrage des conflits internationaux dans laquelle se sont résolument engagées les nations du monde civilisé.

Je saisis, &c.,

Sir N. O'Conor.

MARTENS.

(Inclosure.)—*Award of the Arbitrator, in the Case of the Costa Rica Packet.*—*St. Petersburg, February 1st, 1897.*

En vertu des hautes fonctions d'Arbitre conférées, par ordre suprême de mon auguste Maître, Sa Majesté l'Empereur Nicolas II de Toutes les Russies, à moi, F. de Martens, Conseiller Privé, Membre Permanent du Conseil du Ministère des Affaires Étrangères de Russie, et Professeur émérite, conformément à la Convention du 16 Mai, 1895,* conclue entre le Gouvernement de Sa Majesté la Reine de Grande-Bretagne et d'Irlande, Impératrice des Indes, et le Gouvernement de Sa Majesté la Reine des Pays-Bas, au sujet du différend survenu entre les deux Gouvernements du chef de la détention du Sieur Carpenter, capitaine du baleinier *Australia Costa Rica Packet* ;

Ayant dûment examiné et mûrement pesé les documents qui ont été produits de part et d'autre concernant l'indemnité réclamée par le Gouvernement de Sa Majesté Britannique du Gouvernement Royal des Pays-Bas au profit du Capitaine Carpenter, ainsi qu'au profit des officiers, de l'équipage, et des propriétaires du navire *Costa Rica Packet* ;

Animé du désir sincère de répondre par une décision impartiale et scrupuleuse au grand honneur qui m'a été dévolu, et

En tenant compte des principes du droit des gens applicables au différend survenu entre les deux Hauts Gouvernements en litige, afin de fixer le montant de l'indemnité due par le Gouvernement des Pays-Bas du chef des dommages soufferts par le Capitaine Carpenter du *Costa Rica Packet*, personnellement, de même que du chef des dommages qui auront été justifiées avoir été soufferts par les officiers, l'équipage, et les propriétaires du dit bâtiment comme conséquences nécessaires de la détention préventive du Sieur Carpenter ;

Je prononce la sentence arbitrale suivante :—

Considérant que le droit de souveraineté de l'État sur la mer territoriale est déterminé par la portée du canon à partir de la ligne de basse mer ;

Qu'en haute mer, même les navires marchands constituent des parties détachées du territoire de l'État dont ils portent le pavillon, et, en conséquence, ne sont justiciables des faits commis en haute mer qu'aux autorités nationales respectives ;

Que l'État a non seulement le droit, mais encore le devoir, de protéger et de défendre, par tous les moyens qu'autorise le droit international, ses nationaux à l'étranger, lorsqu'ils sont l'objet de pour- ou de lésions commises à leur préjudice ;

Le droit de l'État et l'indépendance de ses autorités

judiciaires ou administratives ne sauraient prévaloir jusqu'à supprimer arbitrairement la sécurité légale qui doit être garantie tant aux étrangers qu'aux régnicoles sur le territoire de tout pays civilisé ;

Attendu que la pirogue (prauw) flottant à l'abandon en mer et arrêtée en Janvier 1888 par le Sieur Carpenter, capitaine du *Costa Rica Packet*, fut saisie par celui-ci incontestablement en dehors de la mer territoriale des Indes Néerlandaises ;

Que l'appropriation de la cargaison de la dite pirogue par le Sieur Carpenter, ayant eu lieu en pleine mer, n'était justiciable que des Tribunaux Anglais, mais nullement des Tribunaux Hollandais ;

Que même l'identité de l'épave susmentionnée et de la pirogue perdue du Sieur Frieser n'est nullement prouvée ;

Que les autorités des Indes Néerlandaises, lesquelles avaient arrêté le Sieur Carpenter en Novembre 1891 sous l'inculpation du fait commis en 1888 en dehors des eaux territoriales des Indes Néerlandaises, ont renoncé spontanément, par l'Arrêt du Conseil de Justice de Macassar du 28 Novembre, 1891, à la poursuite du prévenu, et ont par là même irréfutablement constaté l'illégitimité de sa détention, ainsi que de son transport forcé de Ternate à Macassar ;

Que tous les documents et actes produits prouvent le manque de cause sérieuse pour l'arrestation du Sieur Carpenter, et confirment le droit de celui-ci à une indemnité pour les dommages qu'il a souffert ;

Que le traitement infligé au Sieur Carpenter dans la prison de Macassar ne paraît pas justifié à l'égard d'un sujet d'un État civilisé qui se trouve en état de détention préventive, et que, par conséquent, ce traitement lui donne droit à un juste dédommagement ;

Attendu que la détention non justifiée du Capitaine Carpenter lui a fait perdre la meilleure partie de la saison pour la chasse aux baleines ;

Attendu que, d'autre part, le Sieur Carpenter, une fois relâché, aurait pu retourner à bord du navire *Costa Rica Packet* au plus tard en Janvier 1892, et qu'aucune preuve concluante n'a été produite de sa part pour établir la nécessité dans laquelle il se serait trouvé de laisser son navire jusqu'en Avril 1892 dans le port de Ternate sans maître, ni encore moins de la vendre à vil prix ;

Que les propriétaires ou le capitaine d'un navire étant obligés pour le cas d'un accident quelconque survenant au capitaine de pourvoir à son remplacement, le premier officier du *Costa Rica Packet* devait être capable de prendre le commandement et d'exercer l'industrie de la chasse des baleines ;

Et qu'ainsi les dommages soufferts en suite de la détention du Sieur Carpenter par les propriétaires du bâtiment *Costa Rica Packet*, les officiers et l'équipage, ne sont pas *uniquement* des conséquences nécessaires de cette détention préventive;

Attendu, en ce qui concerne l'indemnité à payer au Capitaine Carpenter, aux officiers, à l'équipage, et aux propriétaires du bâtiment *Costa Rica Packet*, que les documents produits et spécialement l'expertise à laquelle il a été procédé à Bruxelles, ne fournissent les éléments nécessaires pour en fixer le chiffre, et qu'en allouant au Capitaine Carpenter la somme de 3,150*l.*, aux officiers et à l'équipage la somme de 1,600*l.*, et aux propriétaires du navire *Costa Rica Packet* la somme de 3,800*l.*, il leur sera alloué une indemnité suffisante :

Par ces motifs :

Je déclare le Gouvernement de Sa Majesté la Reine des Pays-Bas responsable, et je fixe, en conséquence, l'indemnité à payer—

Au Capitaine Carpenter à la somme totale de 3,150*l.*

Aux officiers et à l'équipage à la somme totale de 1,600*l.*

Aux propriétaires du bâtiment *Costa Rica Packet* à la somme totale de 3,800*l.*

Avec intérêts pour tous les dommages à raison de 5 pour cent par an, à partir du 2 Novembre, 1891, date de l'arrestation illégale du Capitaine Carpenter, et je mets le dépens à la somme totale de 250*l.* à la charge du Gouvernement de Sa Majesté la Reine des Pays-Bas.

Fait à Saint-Petersbourg, en double original, le $\frac{11}{2}$ Février, 1897.

MARTENS.

No. 6.—*Baron van Goltstein to the Marquess of Salisbury.*—

(Received March 3.)

M. LE MARQUIS,

Londres, ce 3 Mars, 1897.

MON Gouvernement me charge de mettre à la disposition de votre Seigneurie la somme de 11,082*l.* 7*s.* 6*d.* au paiement de laquelle la décision de l'Arbitre dans la question de *Costa Rica Packet* l'a condamné.

Votre Seigneurie voudra bien m'accuser la bonne réception de cette somme en agréant les assurances renouvelées de la plus haute considération, avec laquelle j'ai l'honneur, &c.

Le Marquis de Salisbury.

W. VAN GOLTSTEIN.

No. 7.—The Marquess of Salisbury to Baron van Goltstein.

SIR,

Foreign Office, March 3, 1897.

I HAVE the honour to acknowledge the receipt of your note of this day's date, inclosing a cheque for 11,082*l.* 7*s.* 6*d.*, being the amount, with interest from the 2nd November, 1891, of the Award pronounced by M. de Martens in favour of Her Majesty's Government in the Arbitration concerning the case of the *Oosta Rica Packet*.

I have, &c.,

Baron van Goltstein.

SALISBURY.

MESSAGE of the President of the United States, on the Opening of Congress.—Washington, December 6, 1897.

TO THE SENATE AND HOUSE OF REPRESENTATIVES,

It gives me pleasure to extend greeting to the fifty-fifth Congress, assembled in regular Session at the seat of Government, with many of whose Senators and Representatives I have been associated in the legislative service. Their meeting occurs under felicitous conditions, justifying sincere congratulation, and calling for our grateful acknowledgment to a beneficent Providence, which has so signally blessed and prospered us as a nation. Peace and good-will with all the nations of the earth continue unbroken.

A matter of genuine satisfaction is the growing feeling of fraternal regard and unification of all sections of our country, the incompleteness of which has too long delayed realization of the highest blessings of the Union. The spirit of patriotism is universal, and is ever increasing in fervour. The public questions which now most engross us are lifted far above either partizanship, prejudice, or former sectional differences. They affect every part of our common country alike, and permit of no division on ancient lines. Questions of foreign policy, of revenue, the soundness of the currency, the inviolability of national obligations, the improvement of the public service, appeal to the individual conscience of every earnest citizen, to whatever party he belongs, or in whatever section of the country he may reside.

The extra Session of this Congress, which closed during July last, enacted important legislation, and while its full effect has not yet been realized, what it has already accomplished assures us of its timeliness and wisdom. To test its permanent value, further time will be required, and the people, satisfied with its operation and results thus far, are in no mind to withhold from it a fair trial.

Tariff legislation having been settled by the extra Session of Congress, the question next pressing for consideration is that of the currency.

The work of putting our finances upon a sound basis, difficult as it may seem, will appear easier when we recall the financial operations of the Government since 1866. On the 30th day of June of that year we had outstanding demand liabilities in the sum of 728,868,447 dol. 41 c. On the 1st January, 1879, these liabilities had been reduced to 443,889,495 dol. 88 c. Of our interest-bearing obligations the figures are even more striking. On the 1st July, 1866, the principal of the interest-bearing debt of the Government was 2,332,331,208 dollars. On the 1st day of July, 1893, this sum had been reduced to 585,037,100 dollars, or an aggregate reduction of 1,747,294,108 dollars. The interest-bearing debt of the United States on the 1st day of December, 1897, was 847,365,620 dollars. The Government money now outstanding (1st December) consists of 346,681,016 dollars of United States' notes, 107,793,280 dollars of Treasury notes, issued by authority of the Law of 1890, 384,963,504 dollars of silver certificates, and 61,280,761 dollars of standard silver dollars.

With the great resources of the Government, and with the honourable example of the past before us, we ought not to hesitate to enter upon a currency revision which will make our demand obligations less onerous to the Government, and relieve our financial laws from ambiguity and doubt.

The brief review of what was accomplished from the close of the war to 1893 makes unreasonable and groundless any distrust either of our financial ability or soundness, while the situation from 1893 to 1897 must admonish Congress of the immediate necessity of so legislating as to make the return of the conditions then prevailing impossible.

There are many plans proposed as a remedy for the evil. Before we can find the true remedy we must appreciate the real evil. It is not that our currency of every kind is not good, for every dollar of it is good—good because the Government's pledge is out to keep it so, and that pledge will not be broken. However, the guaranty of our purpose to keep the pledge will be best shown by advancing toward its fulfilment.

The evil of the present system is found in the great cost to the Government of maintaining the parity of our different forms of money, that is, keeping all of them at par with gold. We surely cannot be longer heedless of the burden this imposes upon the people, even under fairly prosperous conditions, while the past four years have demonstrated that it is not only an expensive charge upon the Government, but a dangerous menace to the national credit.

It is manifest that we must devise some plan to protect the Government against bond issues for repeated redemptions. We must either curtail the opportunity for speculation, made easy by the multiplied redemptions of our demand obligations, or increase the gold reserve for their redemption. We have 900,000,000 dollars of currency, which the Government, by solemn enactment, has undertaken to keep at par with gold. Nobody is obliged to redeem in gold but the Government. The banks are not required to redeem in gold. The Government is obliged to keep equal with gold all its outstanding currency and coin obligations, while its receipts are not required to be paid in gold. They are paid in every kind of money but gold, and the only means by which the Government can with certainty get gold is by borrowing. It can get it in no other way when it most needs it. The Government, without any fixed gold revenue, is pledged to maintain gold redemption, which it has steadily and faithfully done, and which, under the authority now given, it will continue to do.

The law which requires the Government, after having redeemed its United States' notes, to pay them out again as current funds, demands a constant replenishment of the gold reserve. This is especially so in times of business panic, and when the revenues are insufficient to meet the expenses of the Government. At such times the Government has no other way to supply its deficit and maintain redemption but through the increase of its bonded debt, as, during the Administration of my predecessor, when 262,315,400 dollars of $4\frac{1}{2}$ per Cent. bonds were issued and sold, and the proceeds used to pay the expenses of the Government in excess of the revenues, and sustain the gold reserve. While it is true that the greater part of the proceeds of these bonds were used to supply deficient revenues, a considerable portion was required to maintain the gold reserve.

With our revenues equal to our expenses, there would be no deficit requiring the issuance of bonds. But if the gold reserve falls below 100,000,000 dollars, how will it be replenished except by selling more bonds? Is there any other way practicable under existing law? The serious question, then, is, shall we continue the policy that has been pursued in the past, that is, when the gold reserve reaches the point of danger, issue more bonds and supply the needed gold, or shall we provide other means to prevent these recurring drains upon the gold reserve? If no further legislation is had, and the policy of selling bonds is to be continued, then Congress should give the Secretary of the Treasury authority to sell bonds at long or short periods, bearing a less rate of interest than is now authorized by law.

I earnestly recommend, as soon as the receipts of the Government

are quite sufficient to pay all the expenses of the Government, that when any of the United States' notes are presented for redemption in gold, and are redeemed in gold, such notes shall be kept and set apart, and only paid out in exchange for gold. This is an obvious duty. If the holder of the United States' note prefers the gold, and gets it from the Government, he should not receive back from the Government a United States' note without paying gold in exchange for it. The reason for this is made all the more apparent when the Government issues an interest-bearing debt to provide gold for the redemption of United States' notes—a non-interest-bearing debt. Surely it should not pay them out again, except on demand, and for gold. If they are put out in any other way, they may return again, to be followed by another bond issue to redeem them—another interest-bearing debt to redeem a non-interest-bearing debt.

In my view, it is of the utmost importance that the Government should be relieved from the burden of providing all the gold required for exchanges and export. This responsibility is alone borne by the Government, without any of the usual and necessary banking powers to help itself. The banks do not feel the strain of gold redemption. The whole strain rests upon the Government, and the size of the gold reserve in the Treasury has come to be, with or without reason, the signal of danger or of security. This ought to be stopped.

If we are to have an era of prosperity in the country, with sufficient receipts for the expenses of the Government, we may feel no immediate embarrassment from our present currency, but the danger still exists, and will be ever present, menacing us so long as the existing system continues. And besides, it is in times of adequate revenues and business tranquillity that the Government should prepare for the worst. We cannot avoid, without serious consequences, the wise consideration and prompt solution of this question.

The Secretary of the Treasury has outlined a plan in great detail, for the purpose of removing the threatened recurrence of a depleted gold reserve, and save us from future embarrassment on that account. To this plan I invite your careful consideration.

I concur with the Secretary of the Treasury in his recommendation that national banks be allowed to issue notes to the face value of the bonds which they have deposited for circulation, and that the tax on circulating notes secured by deposit of such bonds be reduced to one-half of 1 per cent. per annum. I also join him in recommending that authority be given for the establishment of national banks, with a minimum capital of 25,000 dollars. This will enable the smaller villages and agricultural regions of the country to be currency to meet their needs.

d that the issue of national bank notes be restricted

to the denomination of 10 dollars and upwards. If the suggestions I have herein made shall have the approval of Congress, then I would recommend that national banks be required to redeem their notes in gold.

The most important problem with which this Government is now called upon to deal pertaining to its foreign relations concerns its duty toward Spain and the Cuban insurrection. Problems and conditions more or less in common with those now existing have confronted this Government at various times in the past. The story of Cuba for many years has been one of unrest; growing discontent; an effort toward a larger enjoyment of liberty and self-control; of organized resistance to the mother-country; of depression after distress and warfare; and of ineffectual settlement, to be followed by renewed revolt. For no enduring period since the enfranchisement of the continental possessions of Spain in the Western Continent has the condition of Cuba or the policy of Spain toward Cuba not caused concern to the United States.

The prospect from time to time that the weakness of Spain's hold upon the island, and the political vicissitudes and embarrassments of the Home Government, might lead to the transfer of Cuba to a continental Power, called forth, between 1823 and 1860, various emphatic declarations of the policy of the United States to permit no disturbance of Cuba's connection with Spain unless in the direction of independence or acquisition by us through purchase; nor has there been any change of this declared policy since upon the part of the Government.

The revolution which began in 1868 lasted for ten years, despite the strenuous efforts of the successive Peninsular Governments to suppress it. Then, as now, the Government of the United States testified its grave concern, and offered its aid to put an end to bloodshed in Cuba. The overtures made by General Grant were refused, and the war dragged on, entailing great loss of life and treasure, and increased injury to American interests, besides throwing enhanced burdens of neutrality upon this Government. In 1878 peace was brought about by the Truce of Zanjón, obtained by negotiations between the Spanish Commander, Martínez de Campos, and the insurgent leaders.

The present insurrection broke out in February 1895. It is not my purpose at this time to recall its remarkable increase, or to characterize its tenacious resistance against the enormous forces massed against it by Spain. The revolt and the efforts to subdue it carried destruction to every quarter of the island, developing wide proportions, and defying the efforts of Spain for its suppression. The civilized code of war has been disregarded, no less so by the Spaniards than by the Cubans.

The existing conditions cannot but fill this Government and the American people with the gravest apprehension. There is no desire on the part of our people to profit by the misfortunes of Spain. We have only the desire to see the Cubans prosperous and contented, enjoying that measure of self-control which is the inalienable right of man, protected in their right to reap the benefit of the exhaustless treasures of their country.

The offer made by my predecessor in April 1896, tendering the friendly offices of this Government failed. Any mediation on our part was not accepted. In brief, the answer read: "There is no effectual way to pacify Cuba unless it begins with the actual submission of the rebels to the mother-country." Then only could Spain act in the promised direction, of her own motion, and after her own plans.

The cruel policy of concentration was initiated on the 16th February, 1896. The productive districts controlled by the Spanish armies were depopulated. The agricultural inhabitants were herded in and about the garrison towns, their lands laid waste, and their dwellings destroyed. This policy the late Cabinet of Spain justified as a necessary measure of war, and as a means of cutting off supplies from the insurgents. It has utterly failed as a war measure. It was not civilized warfare. It was extermination.

Against this abuse of the rights of war I have felt constrained on repeated occasions to enter the firm and earnest protest of this Government. There was much of public condemnation of the treatment of American citizens by alleged illegal arrests and long imprisonment awaiting trial or pending protracted judicial proceedings. I felt it my first duty to make instant demand for the release or speedy trial of all American citizens under arrest. Before the change of the Spanish Cabinet in October last twenty-two prisoners, citizens of the United States, had been given their freedom.

For the relief of our own citizens, suffering because of the conflict, the aid of Congress was sought in a special Message, and under the appropriation of the 4th April, 1897, effective aid has been given to American citizens in Cuba, many of them, at their own request, having been returned to the United States.

The instructions given to our new Minister to Spain before his departure for his post directed him to impress upon that Government the sincere wish of the United States to lend its aid toward the ending of the war in Cuba, by reaching a peaceful and lasting result, just and honourable alike to Spain and to the Cuban people. These instructions recited the character and duration of the contest, the wide-spread losses it entails, the burdens and restraints it imposes upon us, with constant disturbance of national interests,

and the injury resulting from an indefinite continuance of this state

of things. It was stated that at this juncture our Government was constrained to seriously inquire if the time was not ripe when Spain, of her own volition, moved by her own interests and every sentiment of humanity, should put a stop to this destructive war, and make proposals of settlement honourable to herself and just to her Cuban Colony. It was urged that, as a neighbouring nation, with large interests in Cuba, we could be required to wait only a reasonable time for the mother-country to establish its authority and restore peace and order within the borders of the island—that we could not contemplate an indefinite period for the accomplishment of this result.

No solution was proposed to which the slightest idea of humiliation to Spain could attach, and indeed precise proposals were withheld to avoid embarrassment to that Government. All that was asked or expected was that some safe way might be speedily provided, and permanent peace restored. It so chanced that the consideration of this offer, addressed to the same Spanish Administration which had declined the tenders of my predecessor, and which for more than two years had poured men and treasure into Cuba in the fruitless effort to suppress the revolt, fell to others. Between the departure of General Woodford, the new Envoy, and his arrival in Spain the statesman who had shaped the policy of his country fell by the hand of an assassin, and, although the Cabinet of the late Premier still held office, and received from our Envoy the proposals he bore, that Cabinet gave place within a few days thereafter to a new Administration, under the leadership of Sagasta.

The reply to our note was received on the 23rd day of October. It is in the direction of a better understanding. It appreciates the friendly purposes of this Government. It admits that our country is deeply affected by the war in Cuba, and that its desires for peace are just. It declares that the present Spanish Government is bound by every consideration to a change of policy that should satisfy the United States and pacify Cuba within a reasonable time. To this end, Spain has decided to put into effect the political reforms heretofore advocated by the present Premier, without halting for any consideration in the path which, in its judgment, leads to peace. The military operations, it is said, will continue, but will be humane, and conducted with all regard for private rights, being accompanied by political action leading to the autonomy of Cuba, while guarding Spanish sovereignty. This, it is claimed, will result in investing Cuba with a distinct personality, the island to be governed by an Executive and by a Local Council or Chamber, reserving to Spain the control of the foreign relations, the army and navy, and the Judicial Administration. To accomplish this,

the present Government proposes to modify existing legislation by Decree, leaving the Spanish Cortes, with the aid of Cuban Senators and Deputies, to solve the economic problem, and properly distribute the existing debt.

In the absence of a declaration of the measures that this Government proposes to take in carrying out its proffer of good offices, it suggests that Spain be left free to conduct military operations and grant political reforms, while the United States, for its part, shall enforce its neutral obligations, and cut off the assistance which it is asserted the insurgents receive from this country. The supposition of an indefinite prolongation of the war is denied. It is asserted that the western provinces are already well-nigh reclaimed; that the planting of cane and tobacco therein has been resumed; and that by force of arms and new and ample reforms, very early and complete pacification is hoped for.

The immediate amelioration of existing conditions under the new administration of Cuban affairs is predicted, and therewithal the disturbance and all occasion for any change of attitude on the part of the United States. Discussion of the question of the international duties and responsibilities of the United States as Spain understands them is presented, with an apparent disposition to charge us with failure in this regard. This charge is without any basis in fact. It could not have been made if Spain had been cognizant of the constant efforts this Government has made, at the cost of millions and by the employment of the administrative machinery of the nation at command, to perform its full duty according to the law of nations. That it has successfully prevented the departure of a single military expedition or armed vessels from our shores in violation of our laws would seem to be a sufficient answer. But of this aspect of the Spanish note it is not necessary to speak further now. Firm in the conviction of a wholly performed obligation, due response to this charge has been made in diplomatic course.

Throughout all these horrors and dangers to our own peace this Government has never in any way abrogated its sovereign prerogative of reserving to itself the determination of its policy and course, according to its own high sense of right, and in consonance with the dearest interests and convictions of our own people, should the prolongation of the strife so demand.

Of the untried measures there remain only: Recognition of the insurgents as belligerents; recognition of the independence of Cuba; neutral intervention to end the war by imposing a rational compromise between the contestants; and intervention in favour of one or the other party. I speak not of forcible annexation, for that cannot be thought of. That, by our code of morality, would be criminal aggression.

Recognition of the belligerency of the Cuban insurgents has often been canvassed as a possible, if not inevitable, step, both in regard to the previous ten years' struggle and during the present war. I am not unmindful that the two Houses of Congress, in the spring of 1896, expressed the opinion, by concurrent Resolution, that a condition of public war existed, requiring or justifying the recognition of a state of belligerency in Cuba, and during the extra Session the Senate voted a joint Resolution of like import, which, however, was not brought to a vote in the House of Representatives. In the presence of these significant expressions of the sentiment of the legislative branch, it behoves the Executive to soberly consider the conditions under which so important a measure must needs rest for justification. It is to be seriously considered whether the Cuban insurrection possesses beyond dispute the attributes of Statehood which alone can demand the recognition of belligerency in its favour. Possession, in short, of the essential qualifications of sovereignty by the insurgents, and the conduct of the war by them according to the received code of war, are no less important factors toward the determination of the problem of belligerency than are the influences and consequences of the struggle upon the internal polity of the recognizing State.

The wise utterances of President Grant in his memorable Message of the 7th December, 1875, are signally relevant to the present situation in Cuba, and it may be wholesome now to recall them. At that time a ruinous conflict had for seven years wasted the neighbouring island. During all those years an utter disregard of the laws of civilized warfare, and of the just demands of humanity, which called forth expressions of condemnation from the nations of Christendom, continued unabated. Desolation and ruin pervaded that productive region, enormously affecting the commerce of all commercial nations, but that of the United States more than any other, by reason of proximity and larger trade and intercourse. At that juncture General Grant uttered these words, which now, as then, sum up the elements of the problem:—

“A recognition of the independence of Cuba being, in my opinion, impracticable and indefensible, the question which next presents itself is that of the recognition of belligerent rights in the parties to the contest. In a former Message to Congress I had occasion to consider this question, and reached the conclusion that the conflict in Cuba, dreadful and devastating as were its incidents, did not rise to the fearful dignity of war. . . . It is possible that the acts of foreign Powers, and even acts of Spain herself, of this very nature, might be pointed to in defence of such recognition. But now, as in its past history, the United States should carefully avoid the false lights which might lead it into the mazes of

doubtful law and of questionable propriety, and adhere rigidly and sternly to the rule, which has been its guide, of doing only that which is right and honest, and of good report. The question of according or of withholding rights of belligerency must be judged in every case in view of the particular attending facts. Unless justified by necessity, it is always, and justly, regarded as an unfriendly act, and a gratuitous demonstration of moral support to the rebellion. It is necessary, and it is required, when the interests and rights of another Government or of its people are so far affected by a pending civil conflict as to require a definition of its relations to the parties thereto. But this conflict must be one which will be recognized in the sense of international law as war.

"Belligerence, too, is a fact. The mere existence of contending armed bodies, and their occasional conflicts, do not constitute war in the sense referred to. Applying to the existing condition of affairs in Cuba the tests recognized by publicists and writers on international law, and which have been observed by nations of dignity, honesty, and power, when free from sensitive or selfish and unworthy motives, I fail to find in the insurrection the existence of such a substantial political organization, real, palpable, and manifest to the world, having the forms and capable of the ordinary functions of government toward its own people and to other States, with Courts for the administration of justice, with a local habitation, possessing such organization of force, such material, such occupation of territory as to take the contest out of the category of a mere rebellious insurrection or occasional skirmishes, and place it on the terrible footing of war, to which a recognition of belligerency would aim to elevate it.

"The contest, moreover, is solely on land. The insurrection has not possessed itself of a single sea-port whence it may send forth its flag, nor has it any means of communication with foreign Powers except through the military lines of its adversaries. No apprehension of any of those sudden and difficult complications which a war upon the ocean is apt to precipitate upon the vessels, both commercial and national, and upon the Consular officers of other Powers, calls for the definition of their relations to the parties to the contest. Considered as a question of expediency, I regard the accordance of belligerent rights still to be as unwise and premature as I regard it to be at present indefensible as a measure of right.

"Such recognition entails upon the country according the rights which flow from it difficult and complicated duties, and requires the exaction from the contending parties of the strict observance of their rights and obligations. It confers the right of search upon the high seas by vessels of both parties; it would subject the carrying of arms of war, which now may be transported freely and

without interruption in vessels of the United States, to detention and to possible seizure; it would give rise to countless vexatious questions; would release the parent Government from responsibility for acts done by the insurgents; and would invest Spain with the right to exercise the supervision recognized by our Treaty of 1795 over our commerce on the high seas, a very large part of which, in its traffic between the Atlantic and the Gulf States, and between all of them and the States on the Pacific, passes through the waters which wash the shores of Cuba. The exercise of this supervision could scarce fail to lead, if not to abuses, certainly to collisions perilous to the peaceful relations of the two States. There can be little doubt as to what result such supervision would before long draw this nation. It would be unworthy of the United States to inaugurate the possibilities of such result by measures of questionable right or expediency, or by any indirection."

Turning to the practical aspects of a recognition of belligerency, and reviewing its inconveniences and positive dangers, still further pertinent considerations appear. In the code of nations there is no such thing as a naked recognition of belligerency unaccompanied by the assumption of international neutrality. Such recognition, without more, will not confer upon either party to a domestic conflict a status not theretofore actually possessed, or affect the relation of either party to other States. The act of recognition usually takes the form of a solemn proclamation of neutrality, which recites the *de facto* condition of belligerency as its motive. It announces a domestic law of neutrality in the declaring State. It assumes the international obligations of a neutral in the presence of a public state of war. It warns all citizens and others within the jurisdiction of the proclaimant that they violate those rigorous obligations at their own peril, and cannot expect to be shielded from the consequences. The right of visit and search on the seas, and seizure of vessels and cargoes and contraband of war and good prize under Admiralty law must, under international law, be admitted as a legitimate consequence of a proclamation of belligerency. While according the equal belligerent rights defined by public law to each party in our ports, disfavours would be imposed on both, which, while nominally equal, would weigh heavily in behalf of Spain herself. Possessing a navy, and controlling the ports of Cuba, her maritime rights could be asserted, not only for the military investment of the island, but up to the margin of our own territorial waters, and a condition of things would exist for which the Cubans, within their own domain, could not hope to create a parallel; while its creation through aid or sympathy from within our domain would be even more impossible than now, with the additional obligations of international neutrality we would perforce assume.

The enforcement of this enlarged and onerous code of neutrality would only be influential within our own jurisdiction by land and sea, and applicable by our own instrumentalities. It could impart to the United States no jurisdiction between Spain and the insurgents. It would give the United States no right of intervention to enforce the conduct of the strife within the paramount authority of Spain, according to the international code of war.

For these reasons, I regard the recognition of the belligerency of the Cuban insurgents as now unwise, and therefore inadmissible. Should that step hereafter be deemed wise as a measure of right and duty, the Executive will take it.

Intervention upon humanitarian grounds has been frequently suggested, and has not failed to receive my most anxious and earnest consideration. But should such a step be now taken, when it is apparent that a hopeful change has supervened in the policy of Spain toward Cuba? A new Government has taken office in the mother-country. It is pledged in advance to the declaration that all the effort in the world cannot suffice to maintain peace in Cuba by the bayonet; that vague promises of reform after subjugation afford no solution of the insular problem; that with a substitution of commanders must come a change of the past system of warfare for one in harmony with a new policy, which shall no longer aim to drive the Cubans to the "horrible alternative of taking to the thicket or succumbing in misery;" that reforms must be instituted in accordance with the needs and circumstances of the time, and that these reforms, while designed to give full autonomy to the Colony, and to create a virtual entity and self-controlled Administration, shall yet conserve and affirm the sovereignty of Spain by a just distribution of powers and burdens upon a basis of mutual interest untainted by methods of selfish expediency.

The first acts of the new Government lie in these honourable paths. The policy of cruel rapine and extermination that so long shocked the universal sentiment of humanity has been reversed. Under the new Military Commander a broad clemency is proffered. Measures have already been set on foot to relieve the horrors of starvation. The power of the Spanish armies, it is asserted, is to be used, not to spread ruin and desolation, but to protect the resumption of peaceful agricultural pursuits and productive industries. That past methods are futile to force a peace by subjugation is freely admitted, and that ruin without conciliation must inevitably fail to win for Spain the fidelity of a contented Dependency.

Decrees in application of the foreshadowed reforms have already been promulgated. The full text of these Decrees has not been received, but, as furnished in a telegraphic summary from our Minister, are: All civil and electoral rights of Peninsular Spaniards

are, in virtue of existing Constitutional authority, forthwith extended to colonial Spaniards. A scheme of autonomy has been proclaimed by Decree, to become effective upon ratification by the Cortes. It creates a Cuban Parliament, which, with the insular Executive, can consider and vote upon all subjects affecting local order and interests, possessing unlimited powers save as to matters of State, war, and the navy, as to which the Governor-General acts by his own authority as the Delegate of the Central Government. This Parliament receives the oath of the Governor-General to preserve faithfully the liberties and privileges of the Colony, and to it the Colonial Secretaries are responsible. It has the right to propose to the Central Government, through the Governor-General, modifications of the national Charter, and to invite new projects of law or executive measures in the interest of the Colony.

Besides its local powers, it is competent, first, to regulate electoral registration and procedure, and prescribe the qualifications of electors and the manner of exercising suffrage; second, to organize Courts of Justice, with native Judges from members of the local bar; third, to frame the insular budget, both as to expenditures and revenues, without limitation of any kind, and to set apart the revenues to meet the Cuban share of the National Budget, which latter will be voted by the National Cortes, with the assistance of Cuban Senators and Deputies; fourth, to initiate or take part in the negotiations of the National Government for Commercial Treaties which may affect Cuban interests; fifth, to accept or reject Commercial Treaties which the National Government may have concluded without the participation of the Cuban Government; sixth, to frame the Colonial Tariff, acting in accord with the Peninsular Government in scheduling articles of mutual commerce between the mother-country and the Colonies. Before introducing or voting upon a Bill, the Cuban Government or the Chambers will lay the project before the Central Government and hear its opinion thereon, all the correspondence in such regard being made public. Finally, all conflicts of jurisdiction arising between the different municipal, provincial, and insular Assemblies, or between the latter and the insular Executive Power, and which, from their nature, may not be referable to the Central Government for decision, shall be submitted to the Courts.

That the Government of Sagasta has entered upon a course from which recession with honour is impossible can hardly be questioned; that in the few weeks it has existed it has made earnest of the sincerity of its professions is undeniable. I shall not impugn its sincerity, nor should impatience be suffered to embarrass it in the task it has undertaken. It is honestly due to Spain and to our friendly relations with Spain that she should be given a reasonable

chance to realize her expectations, and to prove the asserted efficacy of the new order of things to which she stands irrevocably committed. She has recalled the Commander whose brutal orders inflamed the American mind and shocked the civilized world. She has modified the horrible order of concentration, and has undertaken to care for the helpless, and permit those who desire to resume the cultivation of their fields to do so, and assures them of the protection of the Spanish Government in their lawful occupations. She has just released the "Competitor" prisoners heretofore sentenced to death, and who have been the subject of repeated diplomatic correspondence during both this and the preceding Administration.

Not a single American citizen is now in arrest or confinement in Cuba of whom this Government has any knowledge. The near future will demonstrate whether the indispensable condition of a righteous peace, just alike to the Cubans and to Spain, as well as equitable to all our interests, so intimately involved in the welfare of Cuba, is likely to be attained. If not, the exigency of further and other action by the United States will remain to be taken. When that time comes, that action will be determined in the line of indisputable right and duty. It will be faced without misgiving or hesitancy in the light of the obligation this Government owes to itself, to the people who have confided to it the protection of their interests and honour, and to humanity.

Sure of the right, keeping free from all offence ourselves, actuated only by upright and patriotic considerations, moved neither by passion nor selfishness, the Government will continue its watchful care over the rights and property of American citizens, and will abate none of its efforts to bring about by peaceful agencies a peace which shall be honourable and enduring. If it shall hereafter appear to be a duty imposed by our obligations to ourselves, to civilization, and humanity to intervene with force, it shall be without fault on our part, and only because the necessity for such action will be so clear as to command the support and approval of the civilized world.

By a special Message, dated the 16th day of June last, I laid before the Senate a Treaty signed that day by the Plenipotentiaries of the United States and of the Republic of Hawaii, having for its purpose the incorporation of the Hawaiian Island as an integral part of the United States, and under its sovereignty. The Senate having removed the injunction of secrecy, although the Treaty is still pending before that body, the subject may be properly referred to in this Message because the necessary action of the Congress is required to determine by legislation many details of the eventual union, should the fact of annexation be accomplished, as I believe it should be.

While consistently disavowing from a very early period any

aggressive policy of absorption in regard to the Hawaiian group, a long series of declarations through three-quarters of a century has proclaimed the vital interest of the United States in the independent life of the islands, and their intimate commercial dependence upon this country. At the same time, it has been repeatedly asserted that in no event could the entity of Hawaiian Statehood cease by the passage of the islands under the domination or influence of another Power than the United States. Under these circumstances, the logic of events required that annexation, heretofore offered but declined, should in the ripeness of time come about as the natural result of the strengthening ties that bind us to those islands, and be realized by the free will of the Hawaiian State.

That Treaty was unanimously ratified without amendment by the Senate and President of the Republic of Hawaii on the 10th September last, and only awaits the favourable action of the American Senate to effect the complete absorption of the islands into the domain of the United States. What the conditions of such a union shall be, the political relation thereof to the United States, the character of the Local Administration, the quality and degree of the elective franchise of the inhabitants, the extension of the Federal Laws to the territory, or the enactment of special laws to fit the peculiar condition thereof, the regulation, if need be, of the labour system therein, are all matters which the Treaty has wisely relegated to the Congress.

If the Treaty is confirmed, as every consideration of dignity and honour requires, the wisdom of Congress will see to it that, avoiding abrupt assimilation of elements, perhaps hardly yet fitted to share in the highest franchises of citizenship, and having due regard to the geographical conditions, the most just provisions for self-rule in local matters, with the largest political liberties as an integral part of our nation, will be accorded to the Hawaiians. No less is due to a people who, after nearly five years of demonstrated capacity to fulfil the obligations of self-governing Statehood, come of their free will to merge their destinies in our body-politic.

The questions which have arisen between Japan and Hawaii by reason of the treatment of Japanese labourers emigrating to the islands under the Hawaiian-Japanese Convention of 1888 are in a satisfactory stage of settlement by negotiation. This Government has not been invited to mediate, and, on the other hand, has sought no intervention in that matter further than to evince its kindest disposition toward such a speedy and direct adjustment by the two Sovereign States in interest as shall comport with equity and honour. It is gratifying to learn that the apprehensions at first displayed on the part of Japan lest the cessation of Hawaii's national life through annexation might impair privileges to which Japan honourably laid

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Adlai E. Stevenson, of Illinois, and the honourable Charles J. Paine, of Massachusetts, as Special Envoys to represent the United States. They have been diligent in their efforts to secure the concurrence and co-operation of European countries in the international settlement of the question, but up to this time have not been able to secure an agreement contemplated by their mission.

The gratifying action of our great sister Republic of France in joining this country in the attempt to bring about an agreement among the principal commercial nations of Europe, whereby a fixed and relative value between gold and silver shall be secured, furnishes assurance that we are not alone among the larger nations of the world in realizing the international character of the problem, and in the desire of reaching some wise and practical solution of it. The British Government has published a résumé of the steps taken jointly by the French Ambassador in London and the Special Envoys of the United States, with whom our Ambassador at London actively co-operated in the presentation of this subject to Her Majesty's Government.* This will be laid before Congress.

Our Special Envoys have not made their final Report, as further negotiations between the Representatives of this Government and the Governments of other countries are pending and in contemplation. They believe that doubts which have been raised in certain quarters respecting the position of maintaining the stability of the parity between the metals and kindred questions may yet be solved by further negotiations.

Meanwhile, it gives me satisfaction to state that the Special Envoys have already demonstrated their ability and fitness to deal with the subject, and it is to be earnestly hoped that their labours may result in an International Agreement which will bring about recognition of both gold and silver as money upon such terms, and with such safeguards, as will secure the use of both metals upon a basis which shall work no injustice to any class of our citizens.

In order to execute as early as possible the provisions of the third and fourth sections of the Revenue Act, approved the 24th July, 1897, I appointed the honourable John A. Kasson, of Iowa, a Special Commissioner Plenipotentiary to undertake the requisite negotiations with foreign countries desiring to avail themselves of these provisions. The negotiations are now proceeding with several Governments, both European and American. It is believed that by a careful exercise of the powers conferred by that Act some grievances of our own and of other countries in our mutual trade relations may be either removed or largely alleviated, and that the

* See Correspondence, page 526.

The great increase of the navy which has taken place in recent years was justified by the requirements for national defence, and has received public approbation. The time has now arrived, however, when this increase, to which the country is committed, should for a time take the form of increased facilities commensurate with the increase of our naval vessels. It is an unfortunate fact that there is only one dock on the Pacific Coast capable of docking our largest ships, and only one on the Atlantic Coast, and that the latter has for the last six or seven months been under repair, and therefore incapable of use. Immediate steps should be taken to provide three or four docks of this capacity on the Atlantic Coast, at least one on the Pacific Coast, and a floating dock in the Gulf. This is the recommendation of a very competent Board appointed to investigate the subject. There should also be ample provision made for powder and projectiles, and other munitions of war, and for an increased number of officers and enlisted men. Some additions are also necessary to our navy yards for the repair and care of our larger number of vessels. As there are now on the stocks five battle-ships of the largest class, which cannot be completed for a year or two, I concur with the recommendation of the Secretary of the Navy for an appropriation authorizing the construction of one battle-ship for the Pacific Coast, where, at present, there is only one in commission and one under construction, while on the Atlantic Coast there are three in commission and four under construction; and also that several torpedo-boats be authorized in connection with our general system of coast defence.

The Territory of Alaska requires the prompt and early attention of Congress. The conditions now existing demand material changes in the laws relating to the territory. The great influx of population during the past summer and fall, and the prospect of a still larger immigration in the spring, will not permit us to longer neglect the extension of civil authority within the territory, or postpone the establishment of a more thorough Government.

A general system of public surveys has not yet been extended to Alaska, and all entries thus far made in that district are upon special surveys. The Act of Congress extending to Alaska the mining laws of the United States contained the reservation that it should not be construed to put in force the general land laws of the country. By Act approved the 3rd March, 1891, authority was given for entry of lands for town site purposes, and also for the purchase of not exceeding 160 acres then or thereafter occupied for purposes of trade and manufacture. The purpose of Congress as thus far expressed has been that only such rights should apply to that territory as should be specifically named.

It will be seen how much remains to be done for that vast and

remote, and yet promising, portion of our country. Special authority was given to the President by the Act of Congress approved the 24th July, 1897, to divide that territory into two land districts, and to designate the boundaries thereof, and to appoint registrars and receivers of said land offices, and the President was also authorized to appoint a Surveyor-General for the entire district. Pursuant to this authority, a Surveyor-General and Receiver have been appointed, with offices at Sitka. If, in the ensuing year, the conditions justify it, the additional land district authorized by law will be established, with an office at some point in the Yukon Valley. No appropriation, however, was made for this purpose, and that is now necessary to be done for the two land districts into which the territory is to be divided.

I concur with the Secretary of War in his suggestions as to the necessity for a military force in the Territory of Alaska for the protection of persons and property. Already a small force, consisting of twenty-five men, with two officers, under command of Lieutenant-Colonel Randall, of the 8th Infantry, has been sent to St. Michael to establish a military post.

As it is to the interest of the Government to encourage the development and settlement of the country, and its duty to follow up its citizens there with the benefits of legal machinery, I earnestly urge upon Congress the establishment of a system of government with such flexibility as will enable it to adjust itself to the future areas of greatest population.

The startling, though possibly exaggerated, reports from the Yukon River country of the probable shortage of food for the large number of people who are wintering there without the means of leaving the country are confirmed in such measure as to justify bringing the matter to the attention of Congress. Access to that country in winter can be had only by the passes from Dyea and vicinity, which is a most difficult, and perhaps an impossible, task. However, should these reports of the suffering of our fellow-citizens be further verified, every effort at any cost should be made to carry them relief.

For a number of years past it has been apparent that the conditions under which the Five Civilized Tribes were established in the Indian territory under Treaty provisions with the United States, with the right of self-government, and the exclusion of all white persons from within their borders, have undergone so complete a change as to render the continuance of the system thus inaugurated practically impossible. The total number of the Five Civilized Tribes, as shown by the last Census, is 45,494, and this number has not materially increased, while the white population is estimated at from 200,000 to 250,000, which, by permission of the Indian

Government, has settled in the territory. The present area of the Indian territory contains 25,694,564 acres, much of which is very fertile land. The United States' citizens residing in the territory, most of whom have gone there by invitation, or with the consent of the tribal authorities, have made permanent homes for themselves. Numerous towns have been built, in which from 500 to 5,000 white people now reside. Valuable residences and business houses have been erected in many of them. Large business enterprises are carried on, in which vast sums of money are employed, and yet these people, who have invested their capital in the development of the productive resources of the country, are without title to the land they occupy, and have no voice whatever in the government either of the Nations or Tribes. Thousands of their children who were born in the territory are of school age, but the doors of the schools of the Nations are shut against them, and what education they get is by private contribution. No provision for the protection of life or property of these white citizens is made by the Tribal Governments and Courts.

The Secretary of the Interior reports that leading Indians have absorbed great tracts of land to the exclusion of the common people, and government by an Indian aristocracy has been practically established, to the detriment of the people. It has been found impossible for the United States to keep its citizens out of the territory, and the executory conditions contained in the Treaties with these nations have for the most part become impossible of execution. Nor has it been possible for the Tribal Governments to secure to each individual Indian his full enjoyment, in common with other Indians, of the common property of the Nations. Friends of the Indians have long believed that the best interests of the Indians of the Five Civilized Tribes would be found in American citizenship, with all the rights and privileges which belong to that condition.

By section 16 of the Act of the 3rd March, 1893, the President was authorized to appoint three Commissioners to enter into negotiations with the Cherokee, Choctaw, Chickasaw, Muscogee (or Creek), and Seminole Nations, commonly known as the Five Civilized Tribes in the Indian territory. Briefly, the purposes of the negotiations were to be: The extinguishment of Tribal Titles to any lands within that territory now held by any and all such Nations or Tribes, either by cession of the same or some part thereof to the United States, or by allotment and division of the same in severalty among the Indians of such Nations or Tribes respectively as may be entitled to the same, or by such other method as may be agreed upon between the several Nations and Tribes aforesaid, or each of them, with the United States, with a view to such an adjustment upon

the basis of justice and equity as may, with the consent of the said Nations of Indians so far as may be necessary, be requisite and suitable to enable the ultimate creation of a State or States of the Union which shall embrace the lands within said Indian territory.

The Commission met much opposition from the beginning. The Indians were very slow to act, and those in control manifested a decided disinclination to meet with favour the propositions submitted to them. A little more than three years after this organization the Commission effected an agreement with the Choctaw nation alone. The Chickasaws, however, refused to agree to its terms, and, as they have a common interest with the Choctaws in the lands of said Nations, the agreement with the latter Nation could have no effect without the consent of the former. On the 23rd April, 1897, the Commission effected an agreement with both Tribes—the Choctaws and Chickasaws. This agreement, it is understood, has been ratified by the constituted authorities of the respective Tribes or Nations parties thereto, and only requires ratification by Congress to make it binding.

On the 27th September, 1897, an agreement was effected with the Creek Nation, but it is understood that the National Council of said Nation has refused to ratify the same. Negotiations are yet to be had with the Cherokees, the most populous of the Five Civilized Tribes, and with the Seminoles, the smallest in point of numbers and territory.

The provision in the Indian Appropriation Act, approved the 10th June, 1896, makes it the duty of the Commission to investigate and determine the rights of applicants for citizenship in the Five Civilized Tribes, and to make complete census rolls of the citizens of said Tribes. The Commission is at present engaged in this work among the Creeks, and has made appointments for taking the census of these people up to and including the 30th of the present month.

Should the agreement between the Choctaws and Chickasaws be ratified by Congress, and should the other Tribes fail to make an agreement with the Commission, then it will be necessary that some legislation shall be had by Congress, which, while just and honourable to the Indians, shall be equitable to the white people who have settled upon these lands by invitation of the Tribal Nations.

The honourable Henry L. Dawes, Chairman of the Commission, in a letter to the Secretary of the Interior, under date of the 11th October, 1897, says :—

“Individual ownership is in their (the Commission's) opinion absolutely essential to any permanent improvement in present

conditions, and the lack of it is the root of nearly all the evils which previously afflict these people. Allotment by agreement is the most desirable method, unless the United States' Courts are clothed with the authority to apportion the lands among the citizen Indians in accordance with the use it was originally granted."

I concur with the Secretary of the Interior that there can be no cure for the evils engendered by the perversion of these great trusts excepting by their resumption by the Government which created them.

The recent prevalence of yellow fever in a number of cities and towns throughout the south has resulted in much disturbance of commerce, and demonstrated the necessity of such amendments to our quarantine laws as will make the regulations of the national maritime authorities paramount. The Secretary of the Treasury, in the portion of his Report relating to the operation of the Marine Hospital service, calls attention to the defects in the present quarantine laws, and recommends amendments thereto which will give the Treasury Department the requisite authority to prevent the invasion of epidemic diseases from foreign countries, and in times of emergency like that of the past summer will add to the efficiency of our sanitary measures for the protection of the people, and at the same time prevent unnecessary restriction of commerce. I concur in his recommendation.

In further effort to prevent the invasion of the United States by yellow fever, the importance of the discovery of the exact cause of the disease, which up to the present time has been undetermined, is obvious, and to this end a systematic bacteriological investigation should be made. I therefore recommend that Congress authorize the appointment of a Commission by the President, to consist of four expert bacteriologists—one to be selected from the medical officers of the Marine Hospital service, one to be appointed from civil life, one to be detailed from the medical officers of the army, and one from the medical officers of the navy.

The Union Pacific Railway, main line, was sold under the Decree of the United States' Court for the district of Nebraska on the 1st and 2nd November of this year. The amount due to the Government consisted of the principal of the subsidy bonds, \$3,386,512 dollars, and the accrued interest thereon, \$1,211,711 dol. 75 c., making the total indebtedness \$4,598,223 dol. 75 c. The bid at the sale covered the first mortgage lien, and the entire mortgage claim of the Government, principal and interest.

The sale of the subsidized portion of the Kansas Pacific Line, upon which the Government holds a second mortgage lien, has been referred to the instance of the Government to the 16th December, 1900, of this division of the Union Pacific Railway to

the Government on the 1st November, 1897, was the principal of the subsidy bonds, 6,808,000 dollars, and the unpaid and accrued interest thereon, 6,626,690 dol. 33 c., making a total of 12,929,690 dol. 33 c.

The sale of this road was originally advertised for the 4th November, but, for the purpose of securing the utmost public notice of the event, it was postponed until the 16th December, and a second advertisement of the sale was made. By the Decree of the Court, the upset price on the sale of the Kansas Pacific will yield to the Government the sum of 2,500,000 dollars over all prior liens, costs, and charges. If no other or better bid is made, this sum is all that the Government will receive on its claim of nearly 13,000,000 dollars. The Government has no information as to whether there will be other bidders, or a better bid than the minimum amount herein stated. The question presented, therefore, is: Whether the Government shall, under the authority given it by the Act of the 3rd March, 1887, purchase or redeem the road in the event that a bid is not made by private parties covering the entire Government claim. To qualify the Government to bid at the sales will require a deposit of 900,000 dollars, as follows: In the Government cause, 500,000 dollars, and in each of the first mortgage causes, 200,000 dollars, and in the latter the deposit must be in cash. Payments at the sale are as follows: Upon the acceptance of the bid, a sum which, with the amount already deposited, shall equal 15 per cent. of the bid, the balance in instalments of 25 per cent. thirty, forty, and fifty days after the confirmation of the sale. The lien on the Kansas Pacific prior to that of the Government on the 30th July, 1897, principal and interest, amounted to 7,281,048 dol. 11 c. The Government, therefore, should it become the highest bidder, will have to pay the amount of the first mortgage lien.

I believe that under the Act of 1887 it has the authority to do this, and, in absence of any action by Congress, I shall direct the Secretary of the Treasury to make the necessary deposit, as required by the Court's Decree, to qualify as a bidder, and to bid at the sale a sum which will at least equal the principal of the debt due to the Government, but suggest, in order to remove all controversy, that an amendment of the law be immediately passed explicitly giving such powers, and appropriating in general terms whatever sum is sufficient therefor.

In so important a matter as the Government becoming the possible owner of railroad property, which it perforce must conduct and operate, I feel constrained to lay before Congress these facts for its consideration and action before the consummation of the sale. It is clear to my mind that the Government should not permit the property to be sold at a price which will yield less than one-half

of the principal of its debt, and less than one-fifth of its entire debt, principal and interest. But whether the Government, rather than accept less than its claim, should become a bidder, and thereby the owner of the property, I submit to the Congress for action.

The Library building provided for by the Act of Congress approved the 15th April, 1886, has been completed and opened to the public. It should be a matter of congratulation that, through the foresight and munificence of Congress, the nation possesses this noble treasure-house of knowledge. It is earnestly to be hoped that, having done so much towards the cause of education, Congress will continue to develop the Library in every phase of research, to the end that it may be not only one of the most magnificent, but among the richest and most useful Libraries in the world.

The important branch of our Government known as the Civil Service, the practical improvement of which has long been a subject of earnest discussion, has of late years received increased legislative and executive approval. During the past few months the Service has been placed upon a still firmer basis of business methods and personal merit. While the right of our veteran soldiers to reinstatement in deserving cases has been asserted, dismissals for merely political reasons have been carefully guarded against, the examinations for admittance to the Service enlarged, and at the same time rendered less technical and more practical, and a distinct advance has been made by giving a hearing before dismissal upon all cases where incompetency is charged or demand made for the removal of officials in any of the Departments. This order has been made to give to the accused his right to be heard, but without in any way impairing the power of removal, which should always be exercised in cases of inefficiency and incompetency, and which is one of the vital safeguards of the Civil Service reform system, preventing stagnation and deadwood, and keeping every employé keenly alive to the fact that the security of his tenure depends, not on favour, but on his own tested and carefully-watched record of service.

Much, of course, still remains to be accomplished before the system can be made reasonably perfect for our needs. There are places now in the classified Service which ought to be exempted, and others not classified may properly be included. I shall not hesitate to exempt cases which I think have been improperly included in the classified Service, or include those which, in my judgment, will best promote the public service. The system has the approval of the people, and it will be my endeavour to uphold and extend it.

I am forced by the length of this Message to omit many important references to affairs of the Government with which Congress will have to deal at the present Session. They are fully

discussed in their Departmental Reports, to all of which I invite your earnest attention.

The Estimates of the expenses of the Government by the several Departments will, I am sure, have your careful scrutiny. While the Congress may not find it an easy task to reduce the expenses of the Government, it should not encourage their increase. These expenses will, in my judgment, admit of a decrease in many branches of the Government, without injury to the public service. It is a commanding duty to keep the appropriations within the receipts of the Government, and thus avoid a deficit.

Executive Mansion, December 6, 1897.

WILLIAM McKINLEY.

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